UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

JOSH COHEN Plaintiff v. ACTION NETWORK AFL-CIO ACTION SQUARED CIVITECH DEMOCRATIC NATIONAL COMMITTEE MOVEON.ORG NATHAN WOODHULL NETROOTS NATION Defendants	SECOND AMENDED COMPLAINT Civil Action: 23 cv 10359 RICO 18 USC 1962(a) Fraudulent Inducement Copyright Infringement 18 USC 2319 Robbery by Extortion 18 USC 1951 Wire Fraud 18 USC 1343 Conspiracy 18 USC 3551 Sherman Act 15 USC 1 Injunctive and Damages

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I   NATURE OF ACTION

1.   In 2012, the market for Digital Political Microtargeting Platforms serving the American political left, which constitutes essential resources for candidates running for elections in the United States, was dominated by a single player named NGPVAN, which had vertical agreements with the DNC giving it a virtual monopoly.

2.   After serving as Director of Technology for the 2012 Washington State Gay Marriage campaign, Plaintiff founded and lead a project, "Open Supporter Data Interface" [1] (OSDI), which functioned as a Standards Development Organization (SDO) consistent with Office of Management and Budget Circular Number A–119 in the market for Digital Political Microtargeting Platforms. Over 300 committee meetings occurred. Plaintiff served as the leader and chair until Defendants' racketeering succeeded in gaining control of the project. Plaintiff was also the main contributor of labor and authorship, copyright registrations Txu 2-249-951 and TX0009315996 and traveling to industry conferences including Netroots Nation to drive adoption of the OSDI standard.

3.   Plaintiff invested over 3000 hours of labor, based on market value, and Plaintiff's previous compensation as a level 64 at Microsoft, the value of his contributions is at least $325k.

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[1] [D2003] Web Page Osdi Website Home. (2024, June 15). opensupporter.org. opensupporter [D2003] ⧉

| 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 |

Committee Meetings

337 meetings functioning as democracy

4. Up until creating the OSDI project Plaintiff had not sold any of his stock or withdraw from his retirement savings. Plaintiff felt that building a level playing field, which helps everyone as much as himself was a worthy cause.

5. The OSDI standard defines resources such as People, Events, Donations, core operations to Create, Read, Update, Delete (CRUD) resources, and optimizations for common integration scenarios defined as "OSDI Helpers".

6. OSDI's governance policy stated that the project operated as a democracy, where derivative works of the specification, memberships, leadership positions and other decisions were made by majority vote. Since each member organization had a vote, larger, wealthier organizations were unable to dominate or use OSDI for their own proprietary advantage.

7. Adoption of the OSDI standard would result in lower costs and greater choice for customer campaigns for elected office or ballot campaigns.

8. In 2012, venture capitalist New Media Ventures referred Plaintiff to Nathan Woodhull. In December 2013, Woodhull shared their plan to seek funding for, to build a "universal adapter" that would connect to proprietary APIs used by products at the time and use OSDI as a front end. This would only be a viable business of OSDI failed as a standard API, otherwise it would be unnecessary. Plaintiff was an obstacle to the interests of venture capitalists.

9. When Action Network joined OSDI in November 2013, it agreed to OSDI's governance policy, implemented the specification using source code provided by Plaintiff, copied parts of the OSDI specification into its product documentation, then sowed discord and incited conflict in an attempt to gain dominant control of the project.

10. The goal of Defendants' racketeering was to misappropriate OSDI's growing application ecosystem and use it as their proprietary ecosystems by disconnecting it from OSDI's governance structure. In order to accomplish this, Defendants needed control over Plaintiff's copyrights, since his contributions represent the bulk of the essential IP in the specification.

Gain Control   Operate

| 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2(|

Invest Proceeds
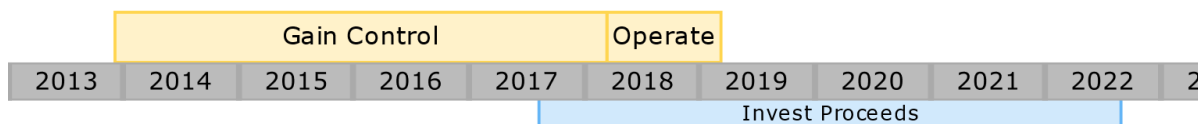
Defendants Racketeering Activity

11.   Defendants continued their attempts to sow discord and incite conflict to break apart the coalition, while concealing the fact that they had incited them. Plaintiff was able to negotiate compromises that de-escalated the conflicts.

12.   By summer 2016, with platform implementations from the dominant player, NGPVAN and new entrant Action Network, Application integrators experienced a 2x return on investment (ROI).

13.   7/23/2016, The Unity Reform Commission was created at the DNC 2016 Convention. It's goals including addressing tension over the DNC's use of gatekeeper powers to lock the Sanders campaign out of NGPVAN during the Data Breach in December 2015, laying the seeds of the Data War, which involved power struggles among powerful entities for control over economies of scale.

14.   With the window for gaining dominant control closing, Action Network and its co-conspirators escalated to extortion, coercion and fraud. To accomplish this, Defendants weaponized #metoo, adopting policies that accusations must be taken as true, then made, or induced others to make, fraudulent accusations against Plaintiff. This allowed Defendants to terrorize Plaintiff by endangering his business, property and safety, create a pretext to isolate Plaintiff from the market, and ruin Plaintiff's reputation to give themselves a pretext to separate Plaintiff from his property, so Defendants could unjustly enrich themselves. This was the beginning of a struggle where Defendant's racketeering escalated an lasted until Defendants and their proxies broke contact at the beginning of 2020.

15.   Defendants took the closest thing Plaintiff had to a child, used false hope of saving it to maximize their exploitation, while terrorizing Plaintiff with fraudulent accusations. In the process, Defendants defrauded Plaintiff out of the bulk of his retirement savings.
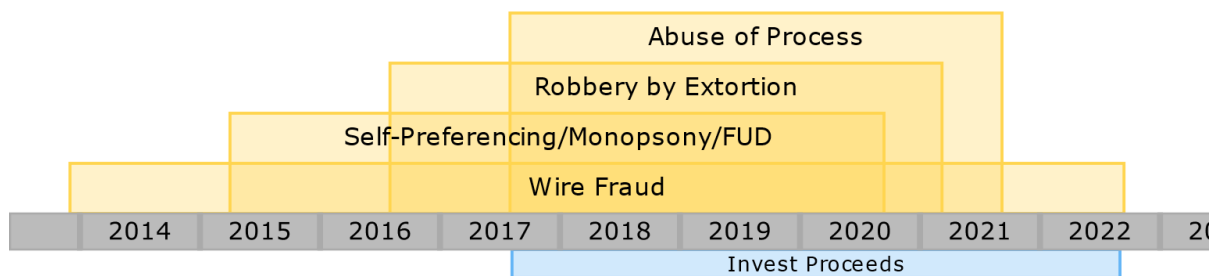
Predicates

16.   By summer 2017 OSDI had become the largest REST based API ecosystem in the market for digital microtargeting platforms. In August 2017, Reid Hoffman's political director, Dimitri Melhorn pitched Plaintiff, offering to make Plaintiff "rich" if he would agree to use OSDI as a proprietary walled garden. Plaintiff refused.

17.   At this point, Action Network and AFL-CIO faced competition for control over OSDI from billionaires and venture capitalists, and ultimately split the proceeds amongst them-

selves.

18.   With platform implementation #3, PDI, and 3x ROI imminent, the external network effect was at the tipping point of becoming permanent until the next technology generation.

19.   If PDI was able to join and implement, as they planned to, they would have a vote equal to Action Network's and the window for them to gain dominant control would have been closed.

20.   In Summer 2017, Dimitri Mehlhorn, using Reid Hoffman's money, funded experiments to replicate tactics used by the Russian GRU to hack the DNC and manipulate the 2016 elections to apply them for the benefit of Democrats and progressives. These began out of Netroots Nation 2017, with a fake "Dry Alabama" campaign, run by Beth Becker, using false flags, sock puppets, bot farms and other tactics later de-scribed in the Sen-ate report. These experiments grew into a network of coordinated sites allowing De-fendants to fabricate organic behavior and manipulate search en-gine results.

21.   Plaintiff had endured the extortion so far. Defendants continued until they provoked Cohen v. Swirling and used its occurrence as a pretext to act in concert to gain control of OSDI, abusing litigation privilege to amplify their deception and as a result, their co-ercion.

22.   Defendants' proxies then used false hope of saving the project, portraying themselves as working towards the goals of the project to get themselves elected as leaders, and continued this until February 2019. MoveOn.org then actively misled Plaintiff with similar tactics until the end of 2019. Their proxy continued this and broke contact in early 2020.

23.   Defendants and their co-conspirators actively mislead Plaintiff, while excluding him from places where he might have discovered their investment of the proceeds of their racketeering. As a result, it took time and diligence to discover Defendants actions.
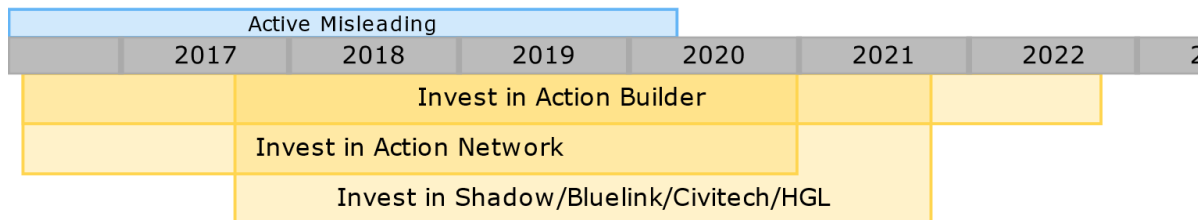
Investing the Proceeds

24.   Defendants' racketeering activity had anti-competitive effects. The OSDI ecosystem became the proprietary ecosystem for Action Squared, and Higher Ground Labs port-folio company Civitech. This gave Defendants an unfair competitive advantage.

25.   Another effect is that they created an artificial inefficiency that created a market for "universal adapters", which have evolved into data exchanges which political data flows through.

26.   These actions increase customer switching costs, support costs for resellers thus limiting customer choice as well as creating barriers to entry for potential competitors.

27.   In a digital platform market, Defendants have gatekeeper powers over ecosystems which are in effect, App Stores. The nuances of digital platform markets make it difficult for additional platforms and ecosystems to gain a critical mass of customers.

28.   By controlling these App Stores and exchanges, Defendants can assert gatekeeper powers over essential resources for candidates running for election.

29.   Plaintiff has compiled a database of evidence which includes at least 1500 documents, emails, google chats, sms chats, meeting minutes, committee motions, audio recordings of one-party consent telephone calls and relevant podcasts where participants were interviewed.

II JURISDICTION AND VENUE

30.   This Court has subject matter jurisdiction over this action pursuant to 18 U.S.C. § 1964

31.   Venue is proper in this judicial district pursuant to 18 U.S.C. § 1965 and 28 U.S.C. § 1391 because Plaintiff is subject to personal jurisdiction in this judicial district and resides in this district.

III PARTIES

32.   Plaintiff Josh Cohen is a person with his principal place of business in New York, NY.

III.A Defendants

33.   Defendant Action Network is a corporation with its principal place of business in Washington, DC. Individuals involved include Founder Brian Young, Director of Technology Jason Rosenbaum.

34.   Defendant AFL-CIO is a corporation with its principal place of business in Washington, DC. Individual involved is Jeff Mann.

35.   Defendant Nathan Woodhull is a person with his principal place of business in Hudson, NY. Woodhull also leads ControlShift which was the OSDI member entity.

36.   Civitech is a corporation with its principal place of business in Austin, TX. Individuals involved include Gerard Niemira and Irene Tollinger.

37.   DNC Services Corporation, d/b/a Democratic National Committee (the "DNC") is a not-for-profit corporation organized under the laws of the District of Columbia, as the operating body of the United States Democratic Party.

38.   MoveOn.org Civic Action is a corporation incorporated in Berkeley, CA. Individuals involved include Senior Developer Skyler Duveen and CTO Ann Lewis.

39.   Netroots Nation is a corporation with its principal place of business in San Francisco, CA. Individuals involved include Executive Director Eric Thut and Mary Rickles.

IV FACTS OF THE CASE

Outline

IV.A   Market Background

IV.A.1   Plaintiff's Experience

40.   While studying for his BS in Computer Engineering at Lehigh University, in 1993 Plaintiff came out of the closet in the university newspaper "The Brown and White".

41.   Plaintiff quickly found a passion for the craft of interoperability standards and the fairness component of the work. He spent 1996-2012 while employed at UPS, Netscape, Microsoft et al, working within Standards Development Organizations (SDOs) such as IETF, DMTF, ISO, and others. Plaintiff's contributions to the collaborative works of Internet and Web Standards include:

- Co-author with P. Gauthier, M. Dunsmuir, and C. Perkins, of "Web Proxy Auto-Discovery Protocol (WPAD)" [2], which since 1999 has been used by major Web Browsers to detect Proxy Servers in enterprise networks.

- Co-author with Y. Goland, and S. Aggarwal of "General Event Notification Architecture (GENA)" [3], which became chapter 4 of "Universal Plug and Play (UPNP)" [4], now an ISO Standard implemented by most home routers and many Internet of Things (IoT) systems.

- Plaintiff served as the leader of Microsoft's effort to standardize WS-Management in the Distributed Management Task Force (DMTF.org) and Project Lead in ISO/IEC JTC1 SC38 to standardize WS-Management, negotiating with delegations from Japan, China and other countries to come to consensus on an international standard which was published as an ISO standard in 2012 . Since 2006, WS-Management served as remoting protocol for PowerShell, ""Windows Management Infrastructure (WMI)" [5],

- Plaintiff is a contributor to HTTP/1.1 including functionality for Proxy Server support and OPTIONS method.

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[2] [D645] Document Gauthier, P. (1999). Web Proxy Auto Discovery Protocol, Paul Gauthier, Jo... [D645]

[3] [D1072] Specification Draft Cohen Gena P Base 01. (1999). [D1072]

[4] [D1068] Document Universal Plug And Play Wikipedia. (2021). [D1068]

[5] [D1501] Web Page Ws Management Wikipedia. (2006, November 28). wikipedia.org. wikipedia [D1501, pt windows]

42. When the government filed US v Microsoft in May 1998, Plaintiff was newly hired Microsoft employee serving as Program Manager for WinInet component, who's APIs were relevant to the case, which served as the HTTP engine used by Internet Explorer and Windows. Having paid attention, Plaintiff was able to spot parallels between in Defendants' behavior and that of Microsoft's.

IV.A.2   Market Background

43. In the late 2000s, the market for World Wide Web Based Political Microtargeting systems emerged as the Web became mainstream. Political Microtargeting systems function similarly to a Customer Relationship Management (CRM) system that is connected to a Data Warehouse comprised of Voter Files and other marketing data about voters. Voter Files are procured from each state, normalized and integrated, and each year a Voter's registrations, voting history is updated. This is a costly and time consuming task, and as such is an economy of scale.

In 2012 The market was dominated by a single dominant player, NGPVAN. Exclusive vertical agreements with the DNC, who served as data broker, created a virtual monopoly in the US, with the main exception being California which was dominated by Politcal Data Inc (PDI).

While chair of the DNC, Howard Dean implemented a plan called "50 State Strategy", which ensured that all state parties had access to a voter file and up to date technology.

47. Howard Dean explains the 50 State Strategy on a podcast with NPR on November 13th, 2008.

48. ⦿ Podcast ⧖ 11/13/08 ⧖ 2008-11-13 12:39pm "Dean Explains The Democrats' '50-State Strategy'" [T205] 🎙 Andrea Seabrook, Howard Dean, NPR This is Talk of the Nation; 👤 Andrea Seabrook; 👤 Howard Dean

49. ⦿ 👤 Howard Dean ⧖ +03:10 [T205]

> what it means is you have a Democratic presence there, You work hard and you support elected officials there and you have up to the day up to date technology, we put $40,000 in every state every year To make sure they have a voter file... We have a national party again, because we've competed in every single state.

50. To achieve the goals of the strategy, vertical agreements were created with NGPVAN, which served as they way for campaigns to interact with the voter file and other commercial data.

51. Mike Conlow, who worked at the DNC when the national contract with NGPVAN was signed, discusses this on "The Great Battlefield" Podcast in April 2019, hosted by Nathaniel Perlman, one of the founders of NGP, which was later merged with VAN to become NGPVAN.

52. During the Data Breach in late 2015, this agreement and its effects are discussed.

53. 📰 News ⏱ 12/20/15 "Sanders data controversy spotlights powerful gatekeeper" [D88] 🌐 POLITICO

54. 📰 👤Nancy Scola [D88]

> Nearly every Democratic campaign across the U.S. uses NGP VAN in some fashion, though critics say that's due in some part to the fact that the DNC and state Democratic parties force candidates do so as part of the package of receiving party support. The arrangement leaves it up to the Democratic Party to decide which campaigns get access to the software, giving it an enormous gatekeeping power of which the Sanders' campaign felt the force during its temporary suspension of access to the data file.

IV.A.3   Gatekeeper Powers

IV.A.3.a   DNC

55. During the course of Defendants racketeering, there are a series of complaints from candidates regarding the use of gatekeeper powers to deprive or degrade primary challengers and disfavored candidates access to essential resources for candidates running for election.

56. 📰 News ⏱ 09/03/19 "Progressive Primary Challengers Hold The Moral High Ground,Progressive Primary Challengers Hold The Moral High Ground | Crooks and Liars" [D1468] 🌐 Crooks and Liars

57. **Pro Se note** The shaded header "Progressive..." is a clickable link to source

58. 📰 👤Rachel Ventura [D1468]

> 2 1/2 weeks after I announced, I was denied access to Votebuilder. I was given this reason: 'I've heard from our Executive Director. Your request for Votebuilder for Illinois' 11th Congressional District through the Democratic Party of Illinois has been denied due to our regulations that we don't issue subscriptions to candidates challenging an incumbent.'

59. This problem also came to a head during the Data Breach during the 2016 Election, a few days after the Sanders campaign secured the endorsement of a major labor union. As reported in the news:

60. 📰 News ⏱ 12/22/15 "The real scandal in the Bernie/DNC feud is the one nobody is talking about" [D853] 🌐 Salon

61. 📰 🌐David Dayen [D853]

> But there s a crater-sized hole in this reporting. The reason this controversy sprung up in the first place is that the DNC has been facilitating a monopoly, with all the usual results from that decision. In fact, it s a case study in why policymakers should aggressively protect against monopolies.

62. In 2017, the DNC degraded data and services to primary challengers including Anthony Clark.

63. 📰 News 🕐 12/11/17 "Justice Democrat Candidates Have Been Denied Access to DNC Voter Data | WIRED,Progressive Democrats Fight For Access to the Partys Voter Data" [D90] 🌐 WIRED

64. 📰 👤 Issie Lapowsky [D90]

> VoteBuilder has become the central nervous system of every Democratic campaign, housing years of information on just about every contact the party has ever made with every voter.
> Developed through a partnership between the DNC and a company called NGP VAN, the tool gives campaigns the inside track on potential donors, volunteers, or voters out of a pool of thousands or, in the case of a presidential election, millions of people

65. 📰 👤 I. Lapowsky [D90]

> But thanks to an intricate system of state-by-state rules governing who gets access to that data---a system critics say is tailor-made to protect incumbents---some Democratic primary challengers, like Clark, are being denied access to this critical pool of information by their own party.

66. 📰 👤 I. Lapowsky [D90]

> Rather than allow access to VoteBuilder, the state party instead directed Clark to a tool called SmartVAN, another NGP VAN product that lacks proprietary DNC voter data.

IV.A.3.b   AFL-CIO

67. This did not sit well with AFL-CIO, who partnered with the Clinton cohort to build their own Data Warehouse called Catalist, with its first customer being a labor endorsed primary challenger.

68. 📰 News 🕐 01/30/12 "Forget the Super-PACs: The Parties Data Mining Operations Might Be More Influential in 2012" [D590] 🌐 Slate Magazine

69. 📰 👤 Mike Podhorzer, political director of the AFL-CIO [D590]

> "We are not Democrats and not all of our members are Democrats," says Mike Podhorzer, the political director of the AFL-CIO, which was one of Catalist's first customers and relied on the company's data when it backed a liberal challenger to dislodge incumbent Democratic Sen. Blanche Lambert Lincoln in a 2010 Arkansas primary.

70. 📰 🌐 Sasha Issenberg [D590]

> In 2006, former Clinton aides Laura Quinn and Harold Ickes among a cadre of old party hands suspicious of Dean and his 50-state strategy raised $5 million from private investors, including George Soros, to build a private data warehouse [Catalist]

IV.A.3.c   The Netroots

71. The "Netroots" a term coined during the Howard Dean campaign, evolved from blogs MyDD and DailyKos. By 2005, the Netroots had gained enough power to influence the DNC Chair election, swinging it towards Howard Dean as the new Chair.

72. Netroots Nation began as YearlyKos which were DailyKos meetups starting in 2006. The

Netroots itself weighed in on essential technology resources for candidates running for election.

73. A controversial topic was NationBuilder, a bipartisan platform that served both Republicans and Democrats.

74. 📰 News ⏱ 07/12/12 "Nation Builder Signs Software Deal With Rslc" [D1155]

75. 📰 👤 SARAH LAI STIRLAND [D1155]

> A core group of progressive political strategists are in some cases boycotting the political software firm NationBuilder and in others are steering business elsewhere after the company announced it had reached a deal with the Republican State Leadership Committee.

76. 📰 👤 Raven Brooks, Netroots Nation [D1155]

> "At this point, I don't think it's in the interest of progressive causes and candidates to keep supporting a platform that's basically taking a side," Raven Brooks told techPresident. Brooks is the executive director of Netroots Nation

77. 📰 👤 R. Brooks [D1155]

> Brooks notes that campaigns continually provide feedback to software providers in order to improve their product, which means that progressive campaigns that use NationBuilder to provide feedback are ultimately improving the product for their opponents as well.

78. Raven's point about feedback improving products and resulting intellectual property leaking to Republicans/Conservatives by their use of the product is one of the failure modes of previous attempts to create standardized APIs in this market.

79. 📰 👤 Jason Rosenbaum, Progressive Change Campaign [D1155]

> Jason Rosenbaum, the Progressive Change Campaign Committee's senior online campaign director, calls what NationBuilder is doing "evil." "As it stands now, progressives should think carefully about who they're helping when they use NationBuilder -- every dollar you spend directly aids your opponents,"

80. Jason Rosenbaum has a Music Technology degree, and was a blogger on MyDD. He and Brian Young subsequently founded Action Network.

IV.A.4   Evolution To A Digital Platform Market

81. In the early 2000s, Microsoft and Sun Microsystems resolved their differences and agreed on SOAP/XML as a protocol to interoperate between Java and .NET, which were the two dominant development frameworks. SOAP/XML became a substrate layered on HTTP, enabling web based systems to communicate programmatically and thus enabled Web Based Digital Platforms.

82. By leveraging SOAP/XML the market for political technology evolved to become a Digital Platform Market.

83. Many Americans have received text messages from political campaigns which ask questions. These text messaging applications (aka Peer to Peer texting) are part
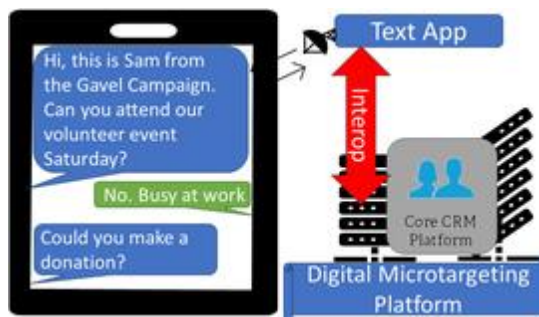
of a category of applications which integrate with a Digital Microtargeting Platform. These platforms are connected to a political data warehouse that includes Voter Files enriched with marketing information an other data sources which create profiles of voters.

IV.A.5   Application Ecosystems Become A New Economy of Scale

84.   The effect of this evolution was that Application Ecosystem were a new economy of scale. When functioning as external network effect as OSDI did, market players compete based on functionality and innovation. However, if laundered into proprietary walled gardens aka a proprietary App Stores, then big gorillas can use dominant control as gatekeeper powers over essential resources for candidates running for election.

IV.B   OSDI Procompetitive Effort

IV.B.1   OSDI Ideation

85.   Plaintiff was employed at Microsoft, specializing in Standards work 1997-2000, 2003-2012. Plaintiff left Microsoft in 2012 to serve as Director of Technology for the 2012 Washington gay marriage campaign. After the victory, Plaintiff decided to use his proficiency, labor, funded by retirement savings to found Open Supporter Data Interface (OSDI) which functioned like an SDO, adopting best practices he learned from his experience and governed as a democratic level playing field to build an external network effect.

86.   Plaintiff began discussing the idea at the beginning of the campaign in February 2012 with ActBlue founder Matt DeBergalis, who's position was an example of the common wisdom at the time, which was that the task was infeasible. Via email on 2/8/2012 DeBergalis stated "Folks have been talking about interop standards for progressive tech for at least as long as I've been around, but rarely does it come to anything -- the big impediments are political (surprise!), not technical."

IV.B.2   VC New Media Ventures

87.   Plaintiff was introduced to Nathan Woodhull in 2012 through recommendation by Venture Capitalists New Media Ventures. Nathan Woodhull was previously employed at the DNC and Act Blue. Brian Elliot forwarded Plaintiff's email with Matt Debergalis to VC New Media Ventures.

88.   ✉ Email Subject 🕐 02/15/12 🕐 2012-02-15 7:00pm "Fwd: Matt <-> Josh" [D1057*] 👤 Brian Elliot

89.   ✉ 👤 Christina George, NMV 🕐 5:11p [D1057]

> YES PLEASE to connecting me with Josh (and if you can ask permission to intro us by fwd'ing the thread even better, so we don't start from scratch). Everything he articulates has been among my biggest learning from this year. There are a few other people (Nathan Woodhull, Josh Hendler, Anthea Watson that have also been thinking along similar lines).

90.   On 4/2/2012, Plaintiff became Director of Technology for the Washington State Gay

Marriage campaign, working until December 2012. While there, he saw the negative impact of proprietary APIs on customers and competition. After the campaign, Plaintiff decided to use his experience to build a project functioning as a Standards Development Organization (SDO).

IV.B.2.a   OSDI Founding

91.   OSDI began with a kick-off panel at RootsCamp 2012, discussing interoperability issues and costs driven by proprietary APIs. Plaintiff moderated panel, which included NGPVAN, Nathan Woodhull, Amicus, Nationbuilder.

92.   Committee meetings began in early 2013, including NGPVAN, Amicus, Salsa, Nathan Woodhull/ControlShift. Plaintiff authored a baseline specification and shared it with the group via the OSDI Google group on 4/3/2013.

93.   Plaintiff travelled to industry conferences leading talks on the benefits of a standardized API and the external network effects that serves as a tide that lifts all ships including RootsCamp 2012-2016, Netroots Nation 2013-2017 (Plaintiff had attended every Netroots Nation since it's beginning in 2006).

94.   By Netroots Nation 2013 in June, Plaintiff built a prototype platform implementation and a Developer Preview of the specification was released at the conference.

95.   The bulk of the labor to build the ecosystem and authorship of the essential IP in the spec are Plaintiff's contributions. If the contributions of all other contributors are removed, the specification core and primary resources are still sufficiently well specified for interoperable implementations.

96.   Plaintiff's contributions were based on terms of democracy as a governance model, "one company one vote" level playing field to build an external network effect so market players can compete at the level of the market.

97.   The most commonly used parts of the specification are the OSDI Helpers, in particular Person Signup Helper, originally authored by Plaintiff in June 2014.

IV.B.2.b   OSDI Governance Policy

98.   An early accomplishment was negotiating a policy that partitioned participation in the committees based on whether a prospective member served progressive candidates only, served bipartisan candidates, or was a generic technology provider such as Microsoft. This nuanced policy was defined as a matrix, along with democracy as a governance model, approved by vote in August 2013.

99.   According the policy, OSDI functioned as a democracy where changes to the spec (derivative works) were approved by majority vote. This ensured that derivative works occurred within OSDI, prevented incompatible "forks" of the standard and ensured that developers only needed to track the evolution of one API. Memberships and leadership positions were also decided by vote.

100.   These rules are contained in the OSDI Governance policy document, which itself was approved by majority vote in August 2013.

337 meetings functioning as democracy
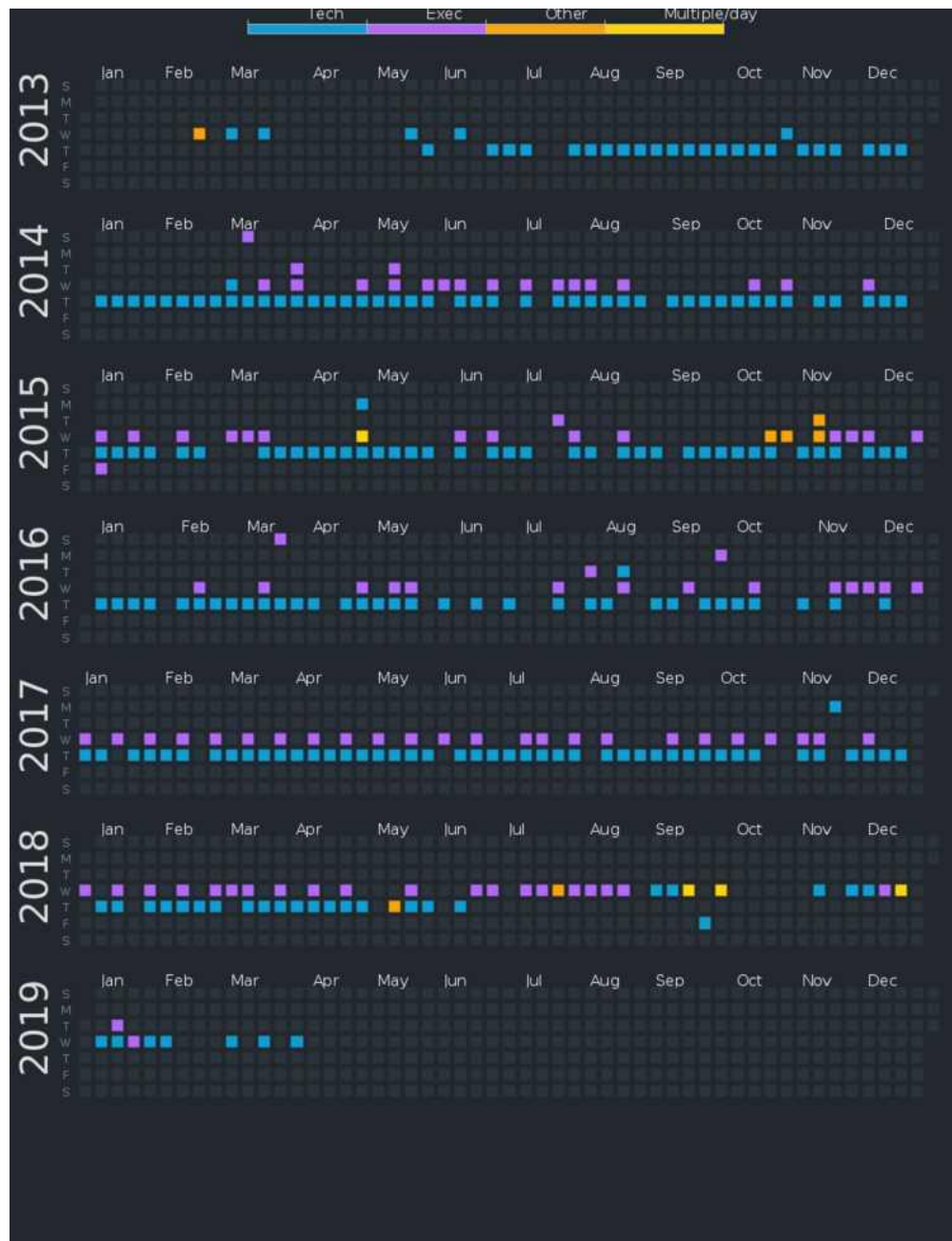
[D934]

101.   Meeting Agendas, Minutes, Motions and committee business are saved on the committee google groups, osdi-dev, osdi-exec, osdi-governance; Lucid Meeting system; and other archives

102.   https://groups.google.com/g/osdi-exec/

103.   https://groups.google.com/g/osdi-governance

104.   https://groups.google.com/g/osdi-dev

105.   The OSDI specification is written in Markdown on version controlled via its GitHub repository.

106.   https://github.com/opensupporter/osdi-docs

IV.B.3   Action Network Joins

107.   Action Network was founded in 2013 as a digital toolset jointly developed by Action Network and AFL-CIO.

108.   Action Network, AFL-CIO, and Nathan Woodhull/ControlShift's plans to use OSDI as a proprietary API or to secure venture capital depended on OSDI failing quickly, or being able to make it fail. However, OSDI succeeded through 2019, despite Defendants' increasingly complex schemes to undermine it.

109.   The state of the OSDI specification before Action Network's first commit, which was to add their names to the author list is tagged on GitHub with "precan"

110.   Action Network joined the project in November 2013, and was introduced by Beth Becker. Action Network implemented the specification using source code provided by plaintiff (copyright registration Txu 2-386-143), and copied parts of the specification into its product documentation.

111.   By January 2014, it was obvious that OSDI had already exceeded past efforts progress.

112.   ⊙ Web Page ⊙ 01/15/14 "Meet the former Microsoft employee who wants to liberate liberal data" [D347] ⊙ Washington Post

113.   ⊙ [D347]

> Meet the former Microsoft employee who wants to liberate liberal data
> In 2012, the [Washington United for Marriage, the progressive coalition pushing for same-sex marriage in Washington state] raised nearly $10 million and succeeded in helping pass a marriage-equality ballot referendum.
> Cohen ran the technology behind the effort --- a task that was about as easy as building a jigsaw puzzle using pieces that came from
> a dozen different boxes

114.   ⊙ [D347]

> Here's an example. One of the ways that Washington United for Marriage raised money was by encouraging everyday supporters
> to act as fundraisers. When reporting to the government how much money it had pulled in, Washington United for Marriage had
> to somehow aggregate that data from various vendors. The problem was that not every provider allowed Cohen to grab the data
> automatically --- and even when he did get a hold of the information, the inconsistencies across spreadsheets made it a chore to
> merge anything

115.   ⊙ [D347]

> Cohen's background in designing standards comes in handy. And it's why some are so optimistic about OSDI after
> having repeatedly tried and failed to implement something like it over the years.

116.   ⊙ [D347]

> The demand for a solution convinced a handful of powerful organizations in Demo-cratic politics to take on the project together.
> The Open Supporter Data Interface (OSDI) ropes in Catalist and NGP VAN, two of the heavy hitters in left-wing data and political
> organizing and with strong connections to the Democratic party. Other members in-clude Salsa Labs --- one of the most popular
> campaigning tools for smaller groups --- and Blue State Digital, the political consult-ing firm founded by alums of Howard Dean's
> 2004 presidential bid.

117.   [D347]

> Many of these companies provide one or two staff members to contribute a few hours a week to OSDI. Others are hashing out in
> negotiations what the final product ought to look like

118.   Seth Bannon, Amicus [D347]

> "We've never had someone like Josh. He's like, in love with standards in a really bi-zarre way," joked Seth Bannon, the chief executive of Amicus and an OSDI partner. "I don't think we've had someone who's so purely a standards person. And he's seen as impartial, because he doesn't come from any of the providers in this space."

Action Network elected as VP Outreach

119.

120.   In March 2014, OSDI's Governance Policy was evolved to create a new Executive Committee, which was a subset of the Governance Committee, with the purpose of sharing power, workload and leadership positions.

121.   The positions and elected representatives:

- VP of Marketing Seth Bannon Amicus

- VP of Membership Ray Suelzer UFCW

- VP of Education Tim Anderegg NOI

- VP of Logistics Drew Miller NGP VAN

- VP of Endorsements Gayatri Bhalla Catalist

- VP of Outreach Jason Rosenbaum Corporate Action Network

- Chair Josh Cohen

122.   Jason Rosenbaum/Action Network was elected as VP of Outreach, which had responsibility for outreach within the community. This gave Action Network the power to control perceptions within the community, which they abused by misrepresenting the effort.

123.   Votes within OSDI Governance committee were carried out via email, as the example below shows.

124.   Email Subject 03/07/14 2014-03-07 1:07am "Motion Appoint Executive Officers and instantiate Executive Committee" [D230*] Josh Cohen

125.   📭 👤 Josh Cohen 🕐 1:07a [D230]

    Please cast your votes by Tuesday March 11, 5pm Eastern Time.

126.   📭 👤 Seth Bannon 🕐 3:12a [D230]

    vote yea

127.   📭 👤 Jason Rosenbaum 🕐 7:37a [D230]

    aye!

128.   📭 👤 Tim Anderegg 🕐 2014-03-10 10:55am [D230]

    NOI votes yes.

129.   📭 👤 Benjamin Stein 🕐 10:57a [D230]

    Mobile Commons votes AYE to all

130.   📭 👤 Charles Parsons 🕐 11:03a [D230]

    Salsa votes Yes.

131.   📭 👤 Nathan Woodhull 🕐 11:05a [D230]

    YES!

132.   📭 👤 Raymond Suelzer 🕐 11:25a [D230]

    Ufcw votes yes to all. Sent from a device in my hand, capable of accessing all information known to humynkind. Please forgive typos.

133.   📭 👤 Anthony Whittaker 🕐 11:29a [D230]

    Awesome.

134.   📭 👤 Luke Peterson 🕐 12:16p [D230]

    aye!

IV.B.4   Action Network Implements

135.   Action Network launched their OSDI platform implementation in April 4, 2014. Via email, Rosenbaum stated: "Hey folks, wanted to let everyone know that we officially launched our OSDI API last week!Check out the documentation..."

IV.B.5   Broadstripes Joins

136.   On 4/21/2014, Broadstripes joins, who stated that they became aware of OSDI through the AFL-CIO. Broadstripes would later serve as a proxy during the racketeering and extortion.

IV.B.6   Netroots Nation Joins

137.   With Action Network Having benefited from the existing work, the vulnerability identified (OSDI's progressive keel) which they would use in their attempt to undermine the coalition and misappropriate the work, Netroots Nation joined the conspiracy, waiting for that to happen.

IV.B.7   New Media Ventures Partners with Netroots Nation

138.   On July 2, 2014, Plaintiff received email [**D1992?**] from Mary Rickles of Netroots Nation announcing "New Tools Shootout" in partnership with New Media Ventures, which was to take place at Netroots Nation 2014. OSDI was a contender for the category "Best Startup Technology".

IV.B.8   OSDI is Coveted

139.   Already in December of 2014, OSDI had 1 platform in an adjacent market, and its ecosystem was bigger than NGPVAN's REST API ecosystem. The dominant ecosystem was NGPVAN's based on SOAP/XML, the previous generation of technology.

140.   💬 👤 Drew Miller 🕐 2014-12-13 12:50pm [D1505]

> I did get a question from Aharon that was basically "why don't we just take over OSDI"... he wants to be the leader on things

IV.B.9   Platform 2 NGPVAN

141.   In 2015, OSDI had platform implementations from the dominant player, NGPVAN, and new entrant in an adjacent market, Action Network. Plaintiff contributed source code in order to mitigate a self-preferencing technical architecture.

142.   The effect of this was that an application vendor could write an OSDI connector, and gain a 2x ROI for interoperability with the dominant player, which was a requirement, as well as a fledgling new startup that was starting from zero.

143.   In September 2015, NGPVAN launched OSDI their implementation.
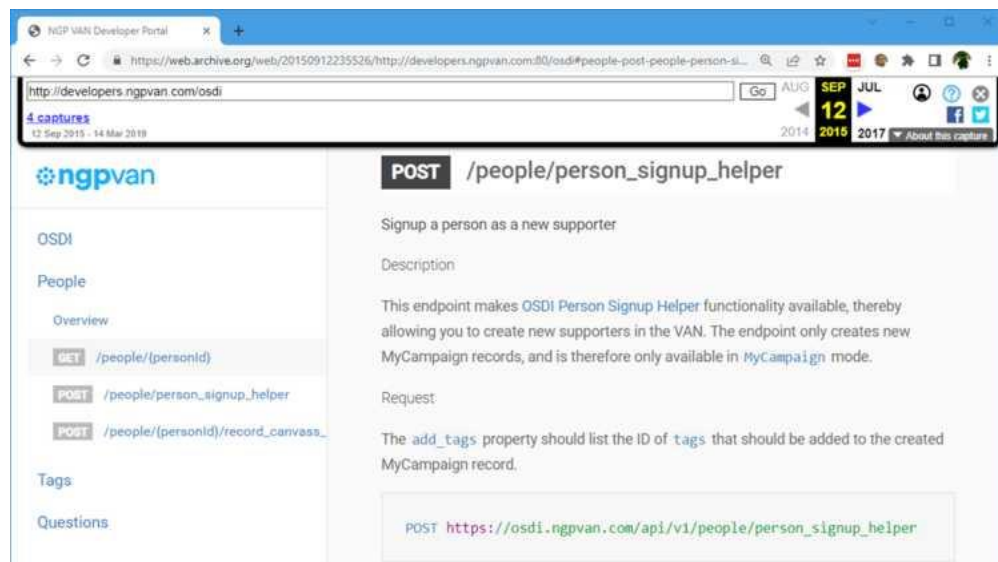
"*VAN Person Signup Helper*" *[D1801]*

144.   Plaintiff contributed source code to NGPVAN's implementation to mitigate a self-preferencing technical architecture resulting in greater functionality in its OSDI endpoint than its proprietary API endpoint. This reversed the preferencing as application integra-

tors would get more functionality by integrating with NGPVAN through its OSDI endpoint than its proprietary API.

IV.B.10 AFL-CIO Joins

145.   AFL-CIO's membership was approved by vote 2/3/2016.

IV.B.11 Action Network/AFL-CIO Benefit

146.   Action Network itself used NGPVAN's OSDI endpoint to integrate with NGPVAN, to support required scenarios for customers including the AFL-CIO. This was documented on their documentation website as recently as 3/4/2019.

147.   In May 2016, ActBlue's implementation came online, allowing it to integrate with Action Network or any OSDI compliant Platform.

148.   In October 2016, in an OSDI blog post, Rosenbaum comments on the development cost benefits of the standard.

149.   📢 Osdi Pr ⏱ 10/12/16 ⏱ 2016-10-12 "Progressive Tech Edge Grows with Increased OSDI Adoption" [D390]

150.   📢 👤 Jason Rosenbaum, Action Network ⏱ 12:00p [D390]

> Jason Rosenbaum, Director of Technology at Action Network, recently worked with NGP VAN's OSDI hooks for events to provide a solution that lets the AFL-CIO work more nimbly between the two systems.

151.   📢 👤 J. Rosenbaum ⏱ 12:00p [D390]

> "OSDI's interoperable API specification really saved us time and money, cutting expected development time for VAN events integration from two weeks down to one," Rosenbaum said. "Being able to get features like this into the hands of our partners more quickly is a big win for us and for them."

IV.B.12 2X ROI External Network Effect

152.   This created a 2x ROI for application vendors, who could create one connector and gain interoperability with the dominant platform and new entrant Action Network.

153.   Plaintiff is aware of the following OSDI implementation.

154.   NGPVAN, Action Network, CallHub, Accurate Append, Mobile Commons, Act Blue, New/Mode, CiviCRM, New/Mode, Mobilize, MoveOn Spoke, MoveOn Internal Tools, ProgCode Resistance Calendar, ProgCode National Voter File, ProgCode Maps for Change, RiseUp.

155.   OSDI also had momentum and was considered the default approach for APIs in the market.

156.   The effect of this was that when the third platform implemented OSDI, they would also have the largest application ecosystem, and application developers wouldn't need to code a connector specific to the new platform.

IV.B.13 Platform 3 PDI

157.   At Netroots Nation 2017, PDI released its new national platform meant to pursue the national market beyond California. It subsequently attempted to join OSDI and implement, allowing PDI to compete at the level of the market. However, it was locked out as a result of Defendants' racketeering activity.

158.   On February 1, 2018, PDI had become ready to join OSDI. CallHub, an phone and text application was eager to see PDI implement, as it would allow CallHub to integrate with 3rd platform PDI with little or no engineering work.

159.   On 5/7/2018 Via email, Sonya Reynolds stated "PDI is actually looking to hire someone to build them an OSDI compliant API."

160.   Sonya never followed up with Plaintiff. At RootsCamp 2018, Plaintiff made contact with PDI again and referred them to Sonya and Brady Kriss on 12/1/2018. There was no further activity and PDI was locked out.

161.   In 2019, Plaintiff provided source code for MoveOn's Spoke text messaging tool implementing OSDI. He also provided source for a CiviCRM connector.

162.   At this point, Applications that supported OSDI could interoperate with Action Network, NGPVAN, and CiviCRM, providing a 3x ROI. Once PDI implemented that would be a 4x ROI.

163.   Defendants racketeering activity locked out PDI.

IV.B.14 Mitigate Vertical Agreements

164.   In July 2017 Raffi Krikorian, newly hired DNC CTO reached out to Plaintiff and through February 2018 they negotiated a plan to reduce support costs in DNC's marketplace of products and increase customer choice by making OSDI compliance a preferred criteria for participation. This reduces the anti-competitive effects of vertical agreements with product vendors, and helps democratize access to political technology resources.

165.   Plaintiff was introduced to Raffi Krikorian, DNC CTO on July 21st, 2017. Plaintiff met with Raffi Krikorian and Liz Jaff on July 27th, 2017 at Civic Hall in New York City. Raffi asked Plaintiff to prepare a proposal for how OSDI can benefit the DNC and progressive customers. and this conversation continued through 2/1/2018, when Defendants racketeering gained control of OSDI.

166.   Plaintiff reviewed the proposal with OSDI committee members, and it was approved by vote for sending to the DNC on February 1st, 2018.

167.   At 1:18pm, Plaintiff sent the approved proposal to Raffi Krikorian by email, he replied "hi josh (and everybody else on this committee). first thank you so much for everything you re doing. as i ve mentioned many times in the past, i feel interoperability in this space is extremely important, and the work that you re doing is helping push that forward. i just wanted to acknowledge that sally and i have received this, and we will respond shortly. thanks again."

IV.B.15 External Network Effect
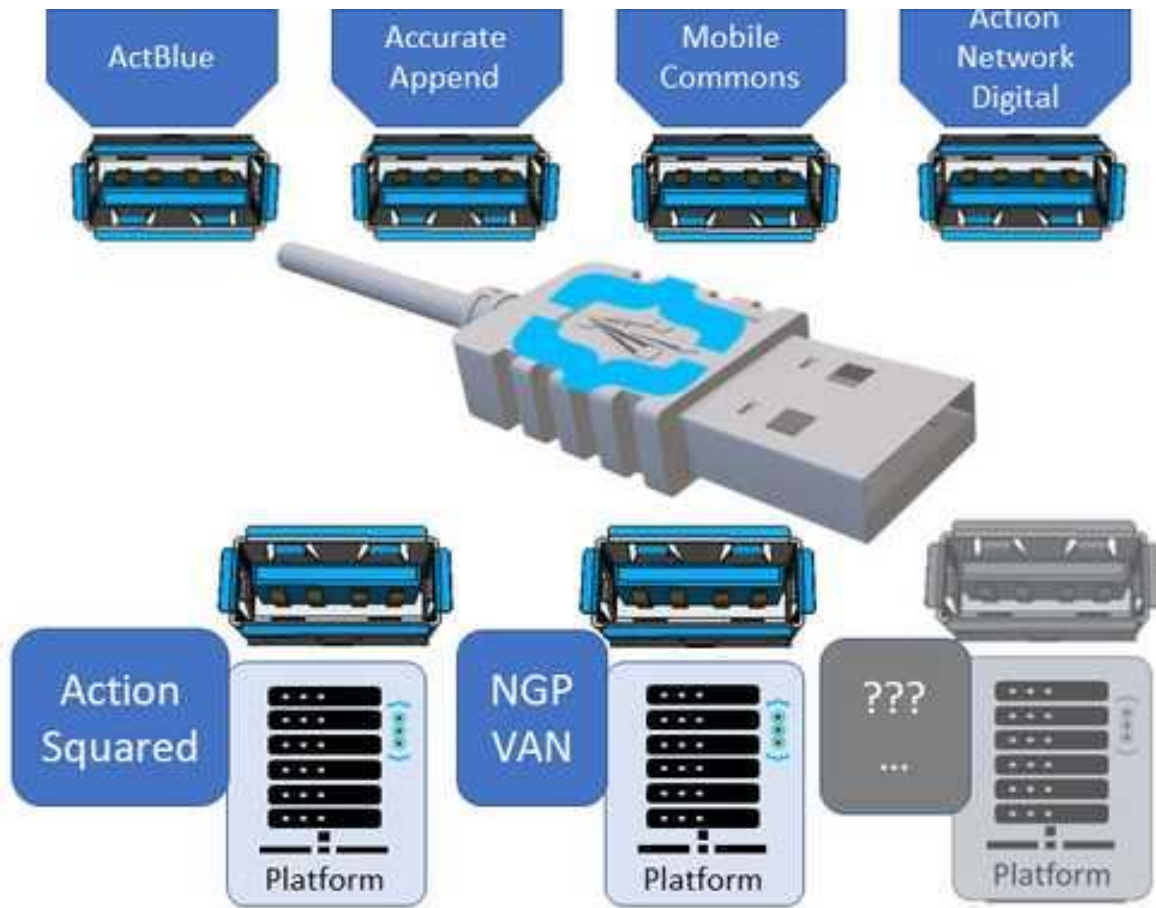
External Network Effect

168. By 2018, OSDI served as an external network effect. Any OSDI compliant application could interoperate with any OSDI compliant platform.

IV.B.16 Arrival of Reid Hoffman

169. On August 15, 2017, Plaintiff was introduced to Dimitri Melhorn, Political Director for Reid Hoffman by Brady Kriss/RagTag, who suggested Plaintiff meet with Dimitri for an OSDI briefing, and to listen to Dimitri's funding ideas. On August 8/15/2017, Plaintiff met with Dimitri, who offered to make Plaintiff rich if he would agree to use OSDI as a proprietary walled garden.

170. In the context of these discussions, Dimitri forwarded via email to Plaintiff on 8/15/17 a paper he had co-authored at Harvard analyzing Microsoft's platform behavior, which is generally viewed as anti-competitive. It is a picture of what Dimitri wanted to create, and ultimately did as a result of the Robbery by Extortion.

171. Plaintiff refused because he wasn't using retirement savings to build anyone's proprietary API, and he wasn't doing the work money. However, others saw gaining control of OSDI as a way to secure funding from Reid Hoffman. An example was Brady Kriss/Ragtag below

172.   ✉ Email Subject ⏰ 07/07/17 ⏰ 2017-07-07 9:02pm "Dmitri" [D672*] 👤 Brady Kriss

173.   ✉ 👤 Brady Kriss, RagTag ⏰ 5:29p [D676]

> Hi Josh and Dmitri!
> I wanted to introduce the two of you. Dmitri is currently talking with a bunch of the different progressive tech groups that have sprung up recently. I would love for the two of you to talk about OSDI and ways that we can help all the progressive energy doesn't get siloed in competing platforms and databases.

174.   ✉ 👤 B. Kriss ⏰ 9:02p [D672]

> Hey! Forgot to email you with the background. :) Remembering now. Dmitri is the political director for Reid Hoffman. He's trying to figure out the best ways to support and fund this bizarro ecosystem we've found ourselves in. We were talking today and he was expressing concern about all these different groups making their own thing and the just chopping the movement up like that. I mentioned OSDI and he was super excited about it.

175.   ✉ 👤 B. Kriss ⏰ 9:02p [D672]

> I personally think it would be rad to get some funding into OSDI itself, or to get some funding for Ragtag to manage people to work on OSDI stuff, or something along those lines. OSDI is a super important piece of infrastructure, and it should be funded as such.

176.   ✉ 👤 B. Kriss ⏰ 9:55p [D672]

> OSDI is a super important piece of infrastructure, and its should be funded as such.

177.   Plaintiff met with Dimitri on 8/15/17. Afterwards Dimitri sent the following emails acknowledging it and the strength of OSDI.

178.   ✉ Email Subject ⏰ 08/15/17 ⏰ 2017-08-15 1:59pm "OSDI" [D1865] 👤 Dmitri Mehlhorn

179.   ✉ 👤 Dmitri Mehlhorn ⏰ 1:59p [D1865]

> I just had a conversation with Josh about a shared API platform among progressive causes.

180.   ✉ 👤 Alain Briancon ⏰ 2:34p [D1865]

> DemSoft is keenly aware of OSDI and Josh. OSDI is the go to architecture for Dem-Soft...

181.   ✉ Email Subject ⏰ 08/15/17 ⏰ 4:13p "OSDI / Open Progress" [D1869] 👤 Dmitri Mehlhorn

182.   ✉ 👤 elizabeth ⏰ 5:41p [D1869]

> Per our conversations then, yes, we're super excited to plug into the OSDI standard, but it will be something that happens in v2 of our software as we're super heads down and pretty much baked for 2017.

IV.B.17 OSDI Peak Growth

OSDI List Growth

OSDI Coalition 2017

IV.C   Racketeering and Extortion

183.   Over time Defendants racketeering escalated with the following predicate acts:
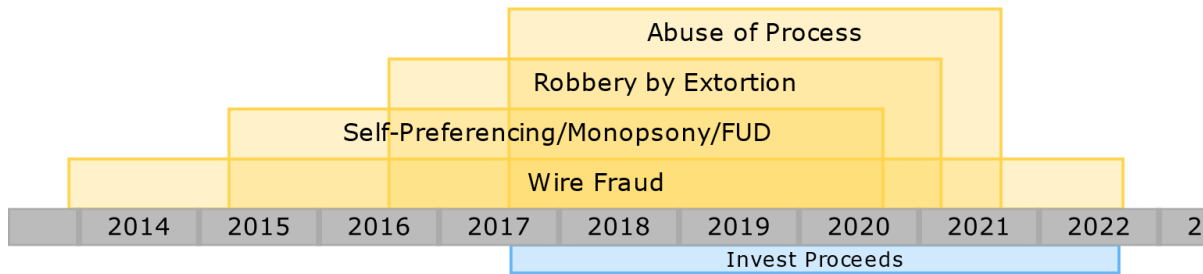
Predicates

184.   Defendants engaged in a series of schemes to undermine the project by inciting conflicts to collapse OSDI's democracy and separate the OSDI application ecosystem from OSDI's governance structure. To achieve the outcomes they are benefiting from, Defendants also needed control over Plaintiff's copyrights.

IV.C.1   To Gain Control

IV.C.1.a   Early Racketeering

185.   On 5/14/2013, via email, Bryan Whittaker, COO of NGPVAN, informed Plaintiff that NGPVAN was unhappy that multi-partisan entities were being considered acceptable members.

186.   ✉ Email Subject ⏰ 05/14/13 ⏱ 2013-05-14 5:03pm "connecting on open standards" [D1138*] 👤 Bryan Whitaker

187.   ✉ 👤 Bryan Whitaker ⏱ 5:03p [D1138]

> it's become apparent NGP VAN might need to tailor our engagement on this project going forward... conversation are trending towards a non-partisan or multi-partisan approach... Any discussion about interoperability between Democratic/progressive products and those use by political opponents is not one we're likely to spend our time on.

188.   NGPVAN took a stricter position seeking to restrict participants to progressive or Democrats only. When Action Action Network subsequently joined OSDI, it took a position on the opposite side of that spectrum. This tension would be exploited by defendants to incite conflict in their attempts to undermine the project.

IV.C.1.a.1   Adoption of democracy and progresive keel

189.   As a result of NGPVAN's concerns, Plaintiff was able to negotiate a compromise that protected Progressive or Democratic intellectual property while allowing broader membership. This was included in OSDI's governance policy, which was approved by majority vote on 8/1/2013.

190.   The purpose of the "Progressive Keel" was to protect "Progressive" or "Democratic"

intellectual property from leaking to political tools that serve conservatives and republicans.

191.   Like an onion, inner rings were restricted to participants who strictly served progressives and Democrats. Outer rings were for mainstream technology companies like Microsoft, Google, Twilio et al which are non-political general use tools, and those serving bipartisan customers.

Role vs ideology vs participation
This table is meant to establish a set of principles and criteria for evaluating membership.

Customer Spectrum -> Role V	Dem/Progressive Political campaigns	Progressive non-profit	Social Good Non Profit	Mainstream Industry Vendor	Bi-partisan political /non-profit	Conservative / Republican
Public Reviewer	R	R	R	R	R	R
Invited Expert	I,P	I,P	I	I	I	R
Customer / Consultant	I,P,G	I,P,G	I,G	I	I	R
Application Vendor	I,P,G	I,P,G	I,P,G	I,G	I	R
CRM Platform Vendor	I,P,G	I,P,G	I,G	I	I	R
Shared Data Warehouse Vendor	I,P,G	I,P,G	I	I	I	R
Dataset Provider	I,P,G	I,P,G	I	I	I	R

Progressive Keel Policy

192.   So, for example, a bipartisan vendor which some progressives used such as NationBuilder, could participate in an outer ring. The definition of the policy is expressed as a 6x7 matrix where the axes are progressive ideology and type of participant and the values are which committees were appropriate.

IV.C.1.a.2   Nathan Woodhull links MoveOn and ActBlue to conspiracy

193.   Via email on 8/6/2013, Woodhull links MoveOn and ActBlue to the conspiracy.

IV.C.1.a.3   Action Network Joins

194.   When Action Network joined OSDI in November 2013, they were provided with the organization's policies, which were discussed during a conference call. Action Network agreed to those policies and began participation.

195.   Action Network is provided with the Governance policy, which it agreed to in order to

join.

196. ✉ Email Subject ⏱ 11/04/13 ⏱ 2013-11-04 1:09pm "Re: OSDI" [D208] 👤 Tim Anderegg

197. ✉ 👤 Josh Cohen, OSDI ⏱ 1:09p [D208]

> Re: OSDI

198. ✉ 👤 Tim Anderegg, NOI ⏱ 10:09a [D208]

> We've officially made the motion to induct CAN into OSDI (no one has raised any objections yet, and I don't anticipate any), and Josh Cohen would like to have a call with you to give you an overview of the structure, process, and what not. Would you have timeto have a chat with us tomorrow at 4pm, or sometime on Wednesday?

199. ✉ 👤 Jason Rosenbaum, Action Network ⏱ 10:26a [D208]

> Tomorrow is busy but Wednesday is largely free outside of 5:30pm. So pick a time on Wednesday?

200. ✉ 👤 J. Cohen ⏱ 1:57p [D208]

> Jason, I've attached a few docs for you to skim that we'll touch on in the call. 1: Governance: the description of the informal org structure, roles/taxonomy of membership, 2: the one pager 2 attachments osdi-governance..v3-final.docx 21K one-sheet.pdf 306K

201. Plaintiff met with Rosenbaum/Action Network via telephone and reviewed the governance policy with Action Network, which they needed to agree to in order to join.

IV.C.1.a.4   VC New Media Ventures / Universal Adapter Proposal

202. Via email on December 11th, 2013, Woodhull communicated a plan where he and partners applied for funding from New Media Ventures to build a "universal adapter".

203. ✉ Email Subject ⏱ 12/11/13 ⏱ 2013-12-11 10:36pm "activity" [D1991*] 👤 Nathan Woodhull

204. ✉ 👤 Nathan Woodhull ⏱ 10:36p [D1991]

> applied for funding from New Media Ventures for a bunch of things, a small chunk of which was funding to write a "universal adapter" to provide a common API binding to a few CRM vendors that their member organizations use... we'd likely do the implementation work if they were to get funding... I'd look to OSDI spec for a common interface.

IV.C.1.a.5   Action Network Undermines

205. Once Action Network implemented, they attempted to undermine the project using parallel conduct with Nathan Woodhull and the DNC to antagonize the dominant player, NGPVAN, while the DNC lured NGPVAN away with support for NGPVAN's proprietary API and attempted to recruit Plaintiff to their cause.

206. The evening of August 20th, 2014, Plaintiff chatted with Jason Rosenbaum via chat.

207.   💬 Chat 🕐 08/20/14 🕐 2014-08-20 8:53pm "NGP VAN's Innovation Platform Event" [D420]

208.   💬 👤 Josh Cohen 🕐 8:53p [D420]

              Did u watch the van event?

209.   💬 👤 Jason Rosenbaum 🕐 8:53p [D420]

              Yep

210.   💬 👤 J. Cohen 🕐 9:30p [D420]

              Imho we want the ecosystem api to be controlled by community/democracy not
              the party+van

211.   💬 👤 J. Rosenbaum 🕐 9:30p [D420]

              True. Though that's a long term project. I'd settle for being one of two for now...

212.   💬 👤 J. Cohen 🕐 9:31p [D420]

              One of two?

213.   💬 👤 J. Rosenbaum 🕐 9:31p [D420]

              Two widely used progressive Apis

214.   Jason Rosenbaum then attempted to convince Plaintiff that the project had "failed"
        and recruit Plaintiff to work at Action Network to build their proprietary API and ecosys-
        tem.

215.   Plaintiff declined and decided that he would either secure an implementation
        commitment from NGPVAM, or abandon the project.

216.   This attempt failed, Plaintiff declined and decided he would either secure an
        implementation commitment from NGPVAN, which he did, or abandon the project.
        and Plaintiff also insisted that Action Network promised to respect OSDI's democracy
        and not undermine it, which they affirmed on stage at SXSW 2015.

217.   Plaintiff spent between August 2014 and February 2015 diligently working to reverse the
        damage, succeeding and securing an implementation commitment that NGPVAN fol-
        lowed through on.

218.   NGPVAN had gone down the proprietary API route.

219.   Plaintiff worked his way up NGPVAN's management to meet with CEO Stu Trevlean and
        negotiate. Plaintiff prepared for the meeting by discussing it with Drew Miller, NGPVAN's
        VP of Research and Development over Google Chat:

220.   💬 👤 Josh Cohen 🕐 2014-12-13 12:13pm [D1505]

              should we prep at all before I meet with stu tomorrowq?

221.   Drew Miller, VP of Research and Development, cited the DNC support as a justification.

222.   💬 👤 Drew Miller 🕐 12:29p [D1505]

              the NGP VAN Next stuff and API portal for us / DNC got a pretty good response

223.   💬 👤 D. Miller 🕐 12:32p [D1505]

              DNC wants to do another panel talking about it

IV.C.1.a.6   Exploiting Vulnerabilities to Incite Conflict

224. The above racketeering patten is an example of repeated behavior from Defendants to sow discontent in order to undermine the project or undermine their platform competitors' ability to similarly benefit in the way Action Squared benefited. It is also an example of how Defendants treated OSDI's progressive keel policy as a vulnerability to be exploited to achieve these goals.

225. Plaintiff met with Stu Trevalyan in December 2013, securing an implementation commitment from NGPVAN. Plaintiff learned from Trevalyan that the reason NGPVAN stepped back from OSDI was because Action Network antagonized them by misrepresenting OSDI's Progressive Keel policy by stating "NationBuilder is Welcome!" in front of an audience and treated OSDI as its own proprietary API.

Exploit Progressive Keel

226. Plaintiff insisted that Action Network promise not to undermine the project and to respect OSDI's democracy. Action Network made these promises and affirmed this in public, on stage at SXSW 2015 on March 13th 2015.

227. 📅 Conference Session ⏱ 03/13/15 ⏱ 2015-03-13 11:00am "Turbocharging Social Activism with Data Standards,Turbocharging Social Activism with Data Standards | SXSW 2015 Event Schedule" [D482] 🌐 SXSW Schedule 2015, 🎤 sxsw; 👤 Sxsw

228. 🔊 Audio ⏱ 03/13/15 ⏱ 11:00a "Turbocharging Social Activism with Data Standards" [T105] 🎤 ; 👤 Jason Rosenbaum, Action Network; 👤 Gayatri Bhalla, Catalist; 👤 Josh Cohen, Self; 👤 Tim Anderegg, Independent

229. 🔊 👤 Jason Rosenbaum ⏱ +18:21 [T105]

> I think the way the way people implement is really within the standards process. We are very intentional about the process. It's a democratic structure and where most of the work gets done in the tech committee. We have people who make proposals and make motions and we vote on it.

IV.C.1.b   Wire Fraud / DMCA 1201

230. Beginning in Q4 2014, Jason Rosenbaum/Action Network engaged in wire fraud to misrepresent Plaintiff's copyright authorship as his own, making commits that cause GitHub's metrics to make the work appear to be his. Robyn Swirling was employed at Action Network May 2014 - Sep 2015, while this was occurring.

231. An example of this fraud is OSDI Person Signup Helper, which along with the other helpers are the most commonly used parts of the specification.

IV.C.1.b.1   Person Signup Helper

232.   Person Signup Helper was originally authored by Plaintiff in April 2014. On 12/31/2014, Jason Rosenbaum copied the definition of Person Signup Helper, which was Plaintiff's authorship into a new file. The Github "blame" view attributes each line of the file to the committer who last touched line.

IV.C.1.b.2   Other Patterns of Fraud

233.   Examining the commit history of the essential IP in the specification reveals similar fraud. In other cases, Jason Rosenbaum changed the indentation, added formatting changes, punctuation, other deminimis changes, or used "revert commits" to game GitHub's analytics and pad his score.

234.   Revert commits can create an effect similar to one using a word processor to add a paragraph, then undo to remove it, then undo the removal, which gives credit for additions and deletions of each line, effectively "padding" commit credit 3x.

IV.C.1.b.3   Concealment

235.   To conceal the wire fraud, Jason Rosenbaum often buried the fraudulent commits within his assigned committee tasks. In other cases he would provide a fraudulent justification, such as proclaiming a need to reformat section of the specification in preparation for a proposed Labor Committee.

IV.C.1.b.4   Effect

236.   In addition to misrepresenting the copyright authorship, the effect of the fraud "gamed" GitHub's contribution metrics. The period with the most significant commits is 4Q14-1Q15. This is shown as a spike in Jason Rosenbaum's commits on the GitHub dashboard.
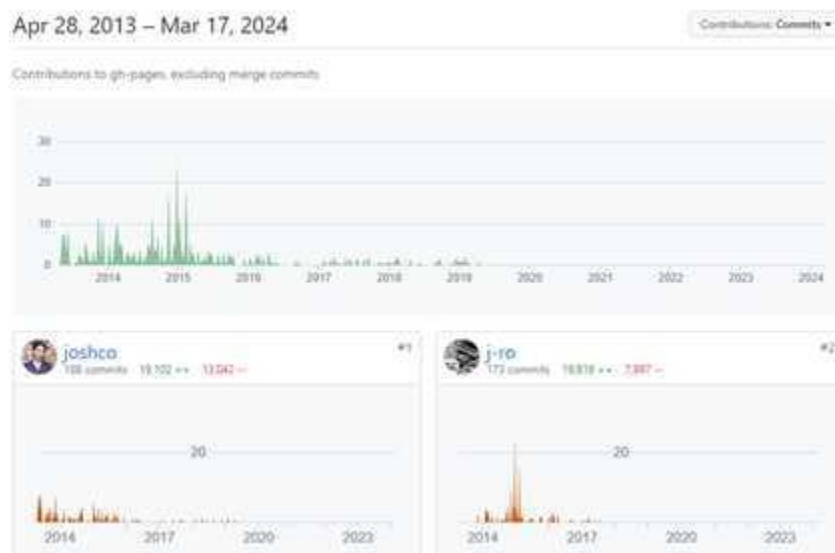
d556_GracketeeringPgithub_metrics

IV.C.1.c   VC New Media Ventures Partners with Netroots Nation

237.   New Media Ventures partners with Netroots Nation on their yearly "New Tools Shootout",

where OSDI was a contender, beginning on or before Netroots Nation 2014. Plaintiff has email announcements from Mary Rickles.

IV.C.1.d Accurate Append and the Data Breach

238.   In November 2015, Accurate Append joined OSDI. Accurate Append is a company that provides data services to customers in a variety of verticals, with politics being one of many. In this regard it is similar to Microsoft or Google; insisting that companies in this category only serve one side of the political spectrum is unreasonable. On the other hand as a data provider, it provides data that constitutes proprietary competitive assets used in elections.

239.   This resulted in an evolution of OSDI's governance policy to accommodate Accurate Append's technical contributions while firewalling it from discussions that constite Democratic or Progressive Intellectual Property.

240.   Action Network took advantage of the situation to sow discontent. With NGPVAN taking a position on strict progressive only, and Action Network taking a position on the other side of the spectrum, making room for bipartisan vendors like NationBuilder, which Action Network new would antagonize NGPVAN. During the early racketeering, Action Network was able to use this to induce NGPVAN to reduce its involvement in OSDI.

241.   ✉ Email Subject ⏱ 11/07/15 ⏱ 2015-11-07 3:48am "Sidebar on Governance Rules for van feedback" [D437] 👤 Josh Cohen

242.   "Sure, my point is, NationBuilder can go out and say, hey, we're OSDI compliant, you can use our tool seamlessly with the progressive ecosystem. And their megaphone is a lot bigger than ours. But that's ok with me, I think more is more." [6]

243.   Plaintiff was successful in negotiating a compromise that served Action Network's position allowing Accurate Append, and NationBuilder a degree of firewalled participation that NGPVAN would not oppose.

244.   THe next month, in December 2015, the Data Breach occurred. One of NGPVAN's arguments against NationBuilder

IV.C.1.e Self-Preferencing / Monopsony / FUD

245.   From that point, Defendants used Plaintiff as a shield to protect their platform disintermediation scheme; the dominant player nor the DNC couldn't destroy OSDI without appearing homophobic, monopolistic and hypocritical compared to the positions of Democrats on the House Subcommittee for Antitrust.

246.   On the back stage, Defendant's used parallel conduct to:

• Induce a self-preferencing technical architecture in NGPVAN's implementation

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[6] [D433] Email Cohen, J., Rosenbaum, J., & U. (2015, November 7). An Sidebar On Governance Rules For Van Feedback [Email]. Page 3 [D433, p.3]

- abused the AFL-CIO's monopsony power to control NGPVAN's resource allocation to favor its proprietary API

- promulgated Fear, Uncertainty, and Doubt (FUD) to discourage application vendors from trusting NGPVAN's OSDI endpoint in their integrations.

IV.C.1.e.1   Self-preferencing Technical Architecture
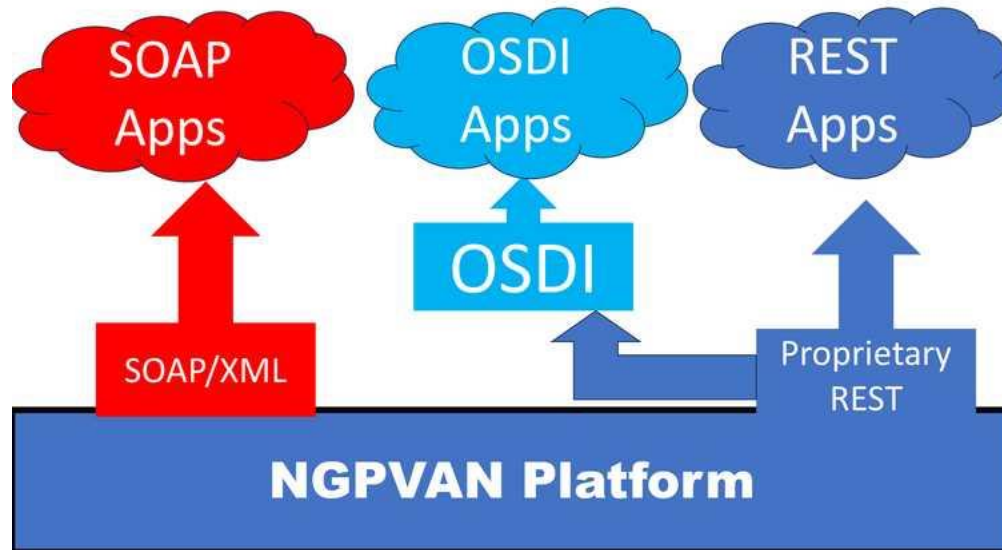
Self-Preferencing Architecture

247.   Chaining the OSDI enpoint through the proprietary endpoint ensured that the proprietary API endpoint could not fall behind the OSDI endpoint in functionality. In the event of resource constraints, the proprietary endpoint would get priority and the OSDI endpoint would fall behind.

IV.C.1.e.2   Monopsony Power

248.   Action Network and the AFL-CIO were influencing NGPVAN's resource allocation.

249.   ✉ Email Subject ⏱ 03/16/16 ⏱ 2016-03-16 9:46pm "van" [D407*] 👤 Josh Cohen

250.   Jason Rosenbaum/Action Network was profiting by exploiting Plaintiff's labor, proficiency and retirement savings. As a diversion, he falsely portrays NGPVAN as the profiting from exploited labor.

251.   ✉ 👤 Jason Rosenbaum ⏱ 9:48p [D407]

> Cool. As good as can be expected I guess. I had a call with the AFL yesterday, so they're prepped to put on pressure to accept the PR if we need it. Gotta figure out the free work problem though, but maybe adoption will help with that.

IV.C.1.e.3   FUD

252.   In parallel, Defendants were criticizing NGPVAN's OSDI endpoint, using proxies, to discourage application integrators from depending on the OSDI endpoint, and instead choosing the integrate with NGPVAN's proprietary API endpoint.

IV.C.1.f   Mitigate Self-Preferencing Architecture

253.   To mitigate the self-preferencing architecture, Plaintiff contributed source code to NGPVAN's OSDI implementation which added functionality to the OSDI enpoint that the propprietary API endpoint did not have.

254.   Plaintiff achieved this by including code that routed to NGPVAN's legacy SOAP/XML based endpoint which had fuller functionality than the proprietary API endpoint which was newer and had fewer applications using it.
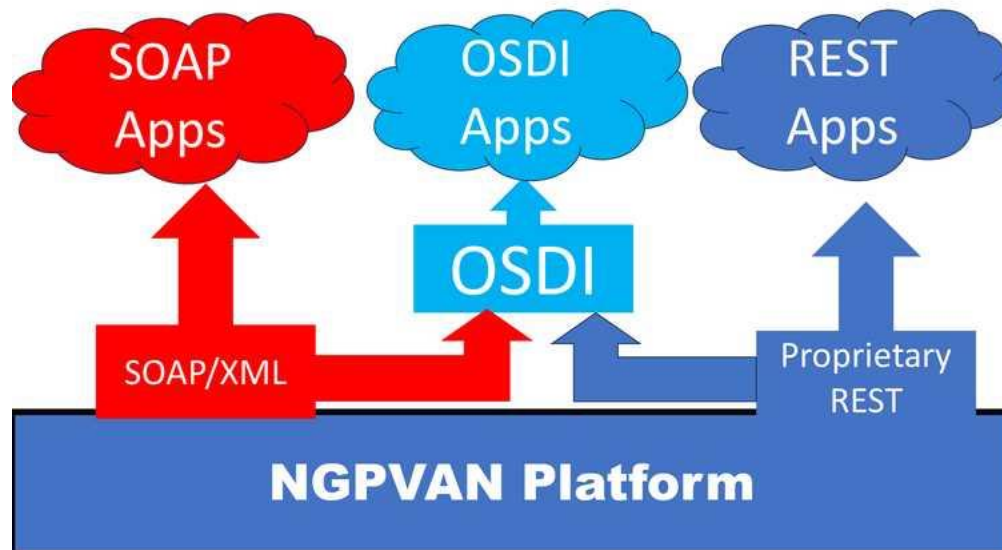
Mitigate Self-Preferencing

255.   For example, the SOAP/XML endpoint supported *Script* resources while the proprietary REST API did not. So Plaintiff submitted code in the OSDI endpoint that integrated with the SOAP/XML to expose Script resources via OSDI.

IV.C.1.g   Origin of Data War

256.   On 7/23/2016, The Unity Reform Commission was created at the DNC 2016 Convention. It's goals including addressing tension over the DNC's use of gatekeeper powers to lock the Sanders campaign out of NGPVAN during the Data Breach in December 2015, laying the seeds of the Data War.

257.   It was foreseeable, from his point, that Action Network and AFL-CIO window to gain dominant control over OSDI without competing interests was going to close.

IV.C.1.h   Extortion Begins

258.   Defendants conspiracy to commit extortion began at least as early as 2016. The Data Breach and DNC favoritism for Hillary Clinton set the stage for a post-election data war. It was common knowledge that it was coming and that the window to gain dominant control over OSDI's application ecosystem going to close, or they would face competing interests who had the same goal.

259.   Defendants communicated their initial threat via email on 9/16/2016 on the Google

Group "Working Our Values", which Defendants subterfuge to lure him onto, using Action Network's former employee Robyn Swirling. Defendants then engaged in a repeating pattern of using deception to inflict unjust harm, making property demands (often using subterfuge to disguise their property motive)

260. The threat was to conceal Plaintiff's sexual orientation, and publicly portray him as an example of violence and sexual harassment towards women, which creates a foreseeable risk of inciting violence

261. This allowed Defendants to conceal their role as aggressors and apply the #metoo lens allowing them to induce bias in their audiences to apply calibrations including "the man's side doesn't matter" and "holding another man accountable" to disguise their racketeering as protecting women, holding another man accountable, and apply "the man's side doesn't matter" to Plaintiff's property, contract and civil rights.

262. Defendants lured Plaintiff onto the google group. At Netroots Nation 2016, proxy Beck Becker told Plaintiff that his ex-boyfriend's name was already on a list of abusive men within the community and knew at least one other victim of his ex-boyfriends. Plaintiff shared what he learned from Becker with Rosenbaum on 7/16/2016. Plaintiff later confirmed this with Becker via Google Chat on 7/25/2016.

263. This, along with a large power disparity in the ex-boyfriend's favor scared Plaintiff. Becker suggested attending a session on the topic, which Plaintiff did, unaware that one of the leaders, Swirling was Action Networks' former employee. Plaintiff was added to the follow-on "Working our Values" Google Group by Swirling on 7/25/2016.

264. The DNC convention takes place July 25-28 2016.

265. Brian Young was present on the Google Group; his name is first on the attendance list in the kick-off email sent by Swirling, via email, on 8/25/2016

266. On 9/16/2016, Swirling communicated the threat. The subsequent abuse of litigation privilege on Twitter during Cohen v. Swirling is essentially the same content as the original threat.

267. From this point, Brian Young and his co-conspirators could use Swirling as a proxy to endanger Plaintiff's business, property, and safety in plain sight, while trying to coerce Plaintiff to resign.

268. Defendants continued this pattern through 2017, until they knowingly provoked Cohen v. Swirling as a false flag, allowing them to amplify their deception and unjust harm by abusing litigation privilege, create a pretext to act in concert and gain control of OSDI.

269. At Rootscamp 2016, unaware that he was being lured into an ambush, Plaintiff attempted to have a dialog by attending the next session on the topic. While sitting quietly waiting for an opportunity to politely raise the issue, Defendants' proxy Swirling announced to the room that "A man has entered the room who has engaged in repeated violence, persistent harassment against women, and invaded our (women's) spaces!"

270. These false accusations, which were gross distortions of a verbal policy argument on the WOV group, resulted in Wellstone asking Plaintiff to "cede the physical space" to women, resulting in him being excluded from the OSDI session the following day.

271.   While absent during the OSDI session, a second attack took place attempting to have Plaintiff removed from his position, so that Action Network could gain dominant control. The above attempt failed, so Jason Rosenbaum insisted on invoking OSDI's escalation process in another attempt to have Plaintiff removed by attempting to incite others to make a motion to that effect, concealing their role as aggressors.

272.   On 3/17/2017, Plaintiff received a Facebook friend request from an ex-military soldier, Josh Seefried, who Plaintiff believed was part of the same co-hort as his ex-boyfriend. This worried Plaintiff.

273.   On 3/20/2017, two days later, via SMS, Jason Rosenbaum attempted to coerce Plaintiff to confess to "abuse of chair power", which Rosenbaum described as "If you don't understand why asking random people for input on our process was the wrong thing to do..."

274.   Due to the escalating danger, Plaintiff retained counsel (Glen Ackerman) for the first time since fighting a speeding ticket 30 years go. Counsel negotiated with Wellstone/Rootscamp to de-escalate the situation and was successful on 5/11/2017.

275.   Netroots Nation 2017 occurred on August 10-23 2017, was the tipping point for the external network effect, and as a result the final OSDI conference session before Defendants' racketeering activity excluded Plaintiff.

276.   On the eve of the conference, Plaintiff was chatting with Jason Rosenbaum to discuss how to approach PDI. During that chat, Plaintiff received Facebook RSVP notifications for the OSDI session from Robyn Swirling and Jamie McGonnigal.

277.   Plaintiff feared they were planning another attack, and didn't want anything to do with either of them. Plaintiff made a complaint, via email, to Eric Thut asking to meet. Plaintiff asked Eric to ask Jamie and Robyn to not interfere with the OSDI session or Plaintiff's participation at the conference. If either of them were planning to participate in a constructive manner, they were welcome to attend.

278.   On 8/11/2017 at 9:30am, Plaintiff met with Netroots Nation Staff Eric Thut and Mary Rickles, who refused Plaintiff's request stating "It's a little difficult to ask people to stay away from each other. You know, that's not the business we want to get into. As the official people in some ways we're taking a side of something, that we were not part of. What if I sat in on the caucus and just make sure it went well."

279.   After the OSDI on 8/11/2017 session, while alone with Plaintiff, Eric Thut instructed Plaintiff was prohibited from attending 3 sessions specified only by time and location, and if Plaintiff disobeyed this, his credentials would be revoked.

280.   Plaintiff informed Eric That that his refusal to prevent aggression from Swirling and McGonnigal, his prohibitions, behavior in the OSDI session combined with their use of the ex-military soldier made the situation harmful enough to warrant legal action. Thut responded by saying "Don't sue us, sue her (Swirling).

281.   In the summer 2017, the following events occurred. If they were to proceed unobstructed to their logical conclusion, the window for Action Network and AFL-CIO to gain dominant control would have closed.

- On 7/13/2017 Via email, PDI announced its new national platform at Netroots Nation 2017, "The event, celebrating the launch of PDI's National Software Platform, is open to all Netroots Nation badge holders and will be held." {D385: i} The platform would be named "BlueVote". Defendants' racketeering activity locked out PDI, or in the alternative, agreed to geographically divide the market where PDI would own California. FAC ¶ 261-284

- On 7/24/2017 Via email, Rapi Castillo a leader of the Progressive Coders Network, which evolved out of the volunteer coder network for the Bernie Sanders campaign, introduced Plaintiff to Raffi Krikorian, the DNC's new CTO, stating "Raffi, would like to introduce Josh Cohen, Chairman of OSDI, an amazing data interface that is now being used by Action Network, MoveOn, and a lot of grassroots progressive applications." {D28: i} Plaintiff and Raffi met and discussed making OSDI compliance a preferred criteria for inclusion in its upcoming marketplace. Raffi asked Plaintiff to draw up a proposal.

282.   Reid Hoffman's political director Dimitri Melhorn's interest in OSDI, as well as RagTag's view of it as something to be controlled to attract funding from Hoffman is indicative of competing interests.

- On 7/7/2017 Via email, Plaintiff is introduced to Dimitri Mehlhorn by Brady Kriss a leader at RagTag, which evolved out of the volunteer coder network for Hillary for America and the DNC. {D672: i} This led to a meeting with Mehlhorn where Mehlhorn proposed funding OSDI as an internal network effect which Plaintiff refused. On 8/2/2017, Higher Ground Labs announced "$1.5M initial investment in our inaugural cohort" {D1637: i}

283.   On 10/23/17 MoveOn joined OSDI.

284.   Defendants paralyzed the DNC and PDI conversations until the provoked complaint was served, prepared for their Abuse of Litigation Privilege.

Paralysis
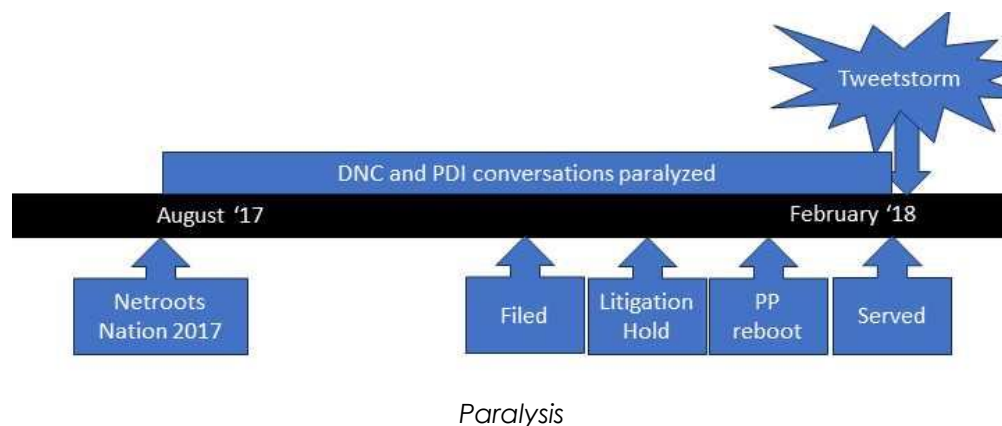
285.   The only discoverable root cause for this was the false accusations made by Swirling at Rootscamp 2016. Plaintiff filed the complaint on November 11th, 2017.

286.   In Q4 2017, Plaintiff liquidated IRA savings account so the funds would be available to fund his time and labor during the struggle save OSDI.

287.   In December 2017, after the complaint was provoked and filed, Alison Schary who would serve as Defense Counsel for Robyn Swirling appeared Pro Hac Vice in Gubarev v Buzzfeed, a matter related to the "Trump Dossier" authored by British Intelligence

agent Christopher Steele and published by Buzzfeed.

288.   On December 27, 2017, Plaintiff's counsel sent letters to Netroots Nation and Rootscamp requesting dialog to de-escalate the conflict, or in the alternative, litigation hold. Plaintiff waited for a response, which never came.

289.   On 1/25/2018, Swirling was served. On January 31, 2018, Defendants unparalyzed the PDI and DNC conversations.

290.   At 7:28am on 2/01/2018, Plaintiff received email from Raffi Krikorian, DNC CTO stating "the tech team is about to launch a marketplace of progressive technology that campaigns and state parties should know about. effectively democratizing access to this data. ... id like to chat about the role of OSDI and how we can highlight applications that comply in the market. i still believe strongly in interoperability, so i want to use this as a venue to continue to nudge the ecosystem... i wanted to revisit whats the best ways that i, and the DNC, can be involved in OSDI."

291.   At 7:43pm on 2/01/2018, Plaintiff received email from Joe McLaughlin regarding PDI, stating "I'm meeting Gary Brown, the CEO of Political Data Inc AKA PDI a week from Saturday for breakfast re some Dem and Working Families stuff. Met him at Netroots Nation too and have been trying to get together since. Don't know where we ever got with PDI joining OSDI, but seems like now is the time."

292.   On 2/12/18, Defense counsel Schary filed a motion to dismiss. In parallel, Swirling posted a tweetstorm which abused litigation privilege, misrepresenting the two policy arguments in 2016, which was an evolution of the original extortion threat on 9/16/2016, with the additional false claim that Plaintiff was harassing her "for a year and a half".

293.   On or before 2/18/2018, the Twitter account for ClinicEscort, an organization Swirling participates in, stated "My friend, and all-around good human, has been harassed for a year and a half by a man who has just doubled down by suing her (suing HER!)" at 11:51am, and retweeted at 5pm.

294.   As a result of the abuse of litigation privilege, members begain resigning from OSDI. An example from Chuck Hagenbuch stating "I do not want to support or be affiliated with an organization run by or attached to Josh Cohen's name or his harassment."

295.   At 7:30pm, Plaintiff received email from Adriel Hampton, an OSDI member, stating "There is an organized campaign to get OSDI affiliates to repudiate you - a former colleague contacted me asking me to call for your ouster as chair."

296.   Plaintiff later followed up with Adriel Hampton via phone, asking him to elaborate on the the threat Plaintiff memorialized Adriel's description in email and asked him to confirm it, which he did.

297.   ✉ Email Subject ⏱ 10/19/18 ⏱ 2018-10-19 10:00am "could you document" [D4] 👤 Josh Cohen

298.   ✉ 👤 Josh Cohen ⏱ 10:00a [D4]

    could you commit to email a description of the bullying behavior you experienced?
    Here's what I recall, could you edit/clarify/confirm?
    A female friend X of Robyn's contacted this OSDI member by phone. X told the
    member that they needed to either kick Josh out of OSDI or resign from OSDI them-

selves. X also said that if this member didn't go along, "it would not be forgotten", which was received by the member to be a threat of retaliation.
When this member told X that Josh's actions were to confront discriminatory behavior, and that he is also a victim of sexual misconduct seeking to avoid retaliation, X replied that they didn't care.

299.   ✉ 👤 Adriel Hampton ⏱ 11:37a [D4]

That's accurate, except it was Facebook Messenger, not phone.

300.   To Plaintiff, this appears to be a threat to reduce Plaintiff's finances to zero.

301.   ✉ Email Subject ⏱ 02/12/18 ⏱ 2018-02-12 9:30pm "Invoice from Netroots Nation" [D983]
👤 Netroots Nation

302.   ✉ 👤 Eric Thut, Netroots Nation ⏱ 9:30p [D983]

Your invoice is attached. Please remit payment at your earliest convenience.
Netroots Invoice Balance Due $0.00

303.   ✉ 👤 E. Thut ⏱ 2018-02-13 1:50pm [D983]

Please ignore this invoice that was sent out. We had a ghost in the machine that decided to send invoices out to everyone who received one last year. I apologize for any inconvenience or confusion that this has caused.

304.   On 2/13/2018, Action Network changed its representation from Rosenbaum to Martha Grant, a woman.

305.   On 2/19/2018, Woodhull sent email to OSDI resigning, stating "I would like to resign my Governance role as part of OSDI and all other official participation by myself and ControlShift."

306.   On 2/20/2018 at 9:30am, Martha Grant communicated Action Network's resignation, stating ""Action Network will no longer be participating in OSDI..."

307.   The next email on the thread, at 12:24pm, came from Jeff Mann/AFL-CIO stating "Please remove AFL-CIO as well." This was followed by Beth Becker at 12:28pm stating "Me as well please."

308.   A few minutes later, Plaintiff sat down to lunch with Skyler Duveen/MoveOn.org who attempted to convince Plaintiff to resign and make a blanket apology to the allegations in the tweetstorm. The timing of this relative to the resignations and the damage being done by the abuse of litigation privilege combined to have the effect of coercion. Plaintiff refused to resign or make a false confession. Instead Plaintiff recused himself.

309.   On 2/20/2018, Plaintiff sent email to OSDI members stating "Our organization operates by parliamentary procedure in the form of Roberts Rules of Order... Therefore, effective immediately, I'm exercising the right of the Chair to delegate that authority to the Sonya Reynolds, Vice Chair as Chair Pro Tem."

310.   On 2/21/2018, Skyler Duveen/MoveOn opened an issue on OSDI's GitHub repository proposing the adoption of an open source Copyright License, citing the lack of one as an obstacle to MoveOn's participation. Plaintiff refused and instead proposed a license based on the W3C Document license.

311.   On 2/28/2018, Plaintiff met with Sonya Reynolds via telephone, stating that Brian Young

had offered to recruit Woodhull/ControlShift back into OSDI.

312.   On 4/27/2018, after the Order of Discontinuance for Cohen v. Swirling, Plaintiff attended a meeting requested by Brian Young with the topic "Call to discuss VAN". When Plaintiff dialed in, Young attempted to coerce Plaintiff to resign. Plaintiff insisted that Action Network honor the commitments it made when it joined the project and induced Plaintiff's labor.

313.   On 5/30/2018, Plaintiff met with Rosenbaum via telephone T23. Rosenbaum attempted to coerce Plaintiff

314.   🔊 Audio 🕐 05/30/18 🕐 2018-05-30 11:11pm "Telephone Call Jason Rosenbaum, Josh Cohen" [T23] 🎤 My Recording; 👤 Jason; 👤 Josh

315.   🔊 👤 Josh 🕐 +11:00 [T23]

   To the extent I am guilty of anything it is unruly and disobedient behavior on a group in September 2016, and mostly silent protest for about a minute in a conference session (November 2016) I just two things completely within the norms of the community.

316.   🔊 👤 Jason 🕐 +11:00 [T23]

   I agree... It's not about the merits.

317.   🔊 👤 Josh 🕐 +11:00 [T23]

   Harassing her over a period of time, No.

318.   🔊 👤 Jason 🕐 +11:00 [T23]

   Again, it's not about the merits. I agree... I agree... It's not about the merits.

319.   🔊 👤 Josh 🕐 +11:00 [T23]

   Yeah, it is about the merits

320.   🔊 👤 Jason 🕐 +14:40 [T23]

   If you you are a leader of an organization. Your duty to the organization is to put the organization first. And if you can no longer put the organization first in good conscience and leaders of organizations resign, that's what they do.

321.   `Extortion Property Demand` Using the unjust harm damage already inflicted, Jason attempts to pressure Plaintiff into resigning ostensibly for the good of the organization, but really it is so they can gain dominant control. He is also attempting to put himself in control of Plaintiff's career.

322.   🔊 👤 Jason 🕐 +17:06 [T23]

   I guess the last thing I would say it is just, appeal to you, I don't think you did right by the organization. I think you can still do right by the organization now, which is to step back. I don't think that's forever...

323.   🔊 👤 Jason 🕐 +17:06 [T23]

   I would hope that at this point when you've seen what happened to the organization you clearly care about, you would put it first and take that step back.

324.   🔊 👤 Josh 🕐 +26:30 [T23]

   The community left me to my own devices. The legal system is the way we resolve problems, and I think I used that responsibly.

325.   🔊 👤 Jason 🕐 +26:30 [T23]

The merits hardly matter here.

326.   🔊 👤 Josh 🕐 +26:30 [T23]

Yes, the merits do matter!

327.   <mark>Extortion Damage</mark> Jason admits that he doesn't care about what is true.

328.   🔊 👤 Jason 🕐 +26:30 [T23]

you are no longer able to be a leader of this progressive movement organization.

329.   🔊 👤 Josh 🕐 +26:30 [T23]

Membership will need to decide. If they want to remove me, they can certainly do that

330.   🔊 👤 Jason 🕐 +25:59 [T23]

We're not punishing you. We're trying to remove you from your position because you are no longer able to lead the organization...

331.   <mark>Conspiracy</mark> Jason acknowledges that Action Network, MoveOn and the DNC are acting in conspiracy.

332.   🔊 👤 Josh 🕐 +31:00 [T23]

Brian claimed that Action Network is also speaking on behalf of the DNC, MoveOn, maybe some others.

333.   🔊 👤 Jason 🕐 +31:00 [T23]

A few organizations have called him to express their positions, so he's relaying that information. That's true. Yeah. We did not call them.

334.   🔊 👤 Jason 🕐 +36:33 [T23]

MoveOn has adopted. I've seen their internal tools, most of their new stuff is using OSDI. ActBlue has adopted, though they don't engage in the committee.

335.   🔊 👤 Jason 🕐 +41:51 [T23]

Going forward, you have a reputation in the community and you are unable to do the work of chairman and you know we don't have confidence in your judgment, that's our position. That's what we laid out on on the other week. And that's what we'll lay out in whatever process the committee comes up with.

336.   Plaintiff refused to be coerced to resign, and insisted that if Defendants wanted to remove him, they could make a motion and secure a majority vote, which was completely within their power.

337.   The next day, Plaintiff received email from conference organizers for Personal Democracy Forum 2018, revoking Plaintiff's registration.

338.   ✉ Email Subject 🕐 05/31/18 🕐 2018-05-31 2:25pm "PdF refund" [D145*] 👤 Pdf

339.   ✉ 👤 Andrew Rasiej 🕐 2:25p [D145]

Dear Mr.Cohen,
We are in receipt of your registration for the PDF Conference on June 7-8, 2018.
We are unable to extend you an invitation for this event and we will be promptly refunding your full registration fee/ticket purchase.
Andrew Rasiej
Personal Democracy Forum

340.   Plaintiff replied sending the agreement negotiated by Judge Gorenstein, however, they didn't change their position. Plaintiff would later learn from PDF consultant Sherry Hakimi, that the reason they didn't change their position was because they had been told that Judge Gorenstein issued a *restraining order* against Plaintiff.

341.   Had PDF asked for documentation on the order, which didn't exist, the fraud would have been exposed. Plaintiff contacted Andrew Rasiej via email to ask what, if any, documentation was asked for or provided. He responded "I can not respond without the advice of our counsel."

342.   On 7/25/2018, an OSDI Diversity meeting was held to resolve the conflict. Defendants' proxies again attempted to coerce Plaintiff to resign. Plaintiff stood firm that if they wanted to remove Plaintiff they needed to do it democratically.

343.   On 7/25/2018, Plaintiff sent email to MoveOn's CTO, Ann Lewis, skeptical about Action Network's assertion that MoveOn had asked Action Network to take the actions it did, and thus was in conspiracy. Plaintiff received no response from MoveOn.

344.   On 7/29/2018, Netroots Nation revoked Plaintiff's registration.

345.   On 8/15/2018 Defendants' proxies portrayed themselves as working in support of OSDI's goals to get elected to leadership positions. Sonya Reynolds became Chair, Tim Holohan/Broadstripes became Vice Chair, Brady Kriss/RagTag became VP of Membership, Plaintiff became Chair Emeritus.

346.   They served in those positions until they resigned on January 31, 2019.
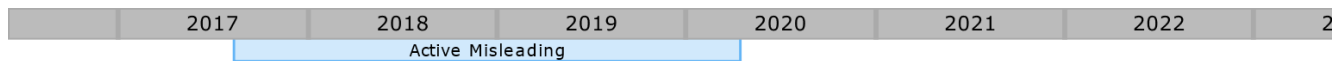
347.

348.   The racketeering conspiracy to operate OSDI continued until Defendants' proxies, Reynolds, RagTag and BroadStripes resigned on January 31, 2019. Plaintiff was diligent in his efforts to discover what happened to OSDI, but could not due to Defendants concealment
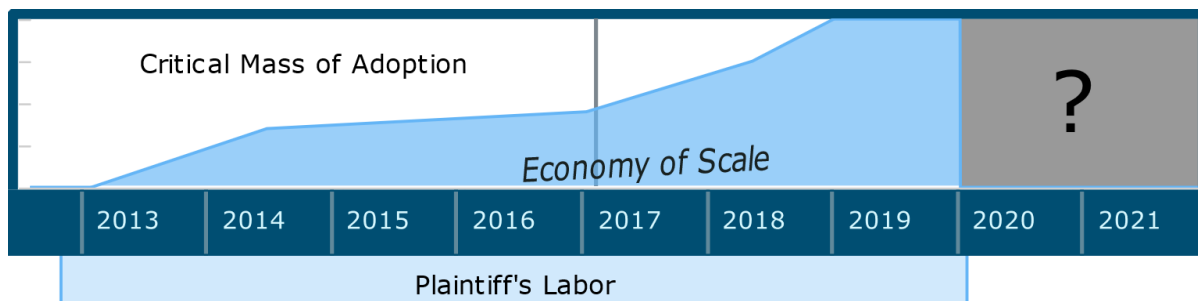
Cumulative Investment grows ecosystem, creating an economy of scale

349.   Plaintiff then focused his attention on the MoveOn Spoke project and the OSDI related work items MoveOn added on 2/12/2018. He contributed code for an OSDI connector that allowed Spoke to interoperate with NGPVAN, Action Network, CiviCRM and any other platform that exposed an OSDI endpoint.

350.　On 6/24/2019 Netroots Nation revoked and refunded Plaintiff's registration without explanation. Netroots Nation 2019 took place in Philadelphia. Plaintiff had already made plans to meet with people, and would use the opportunity to engage in due diligence, hoping to discover where OSDI's application ecosystem went. When Plaintiff arrived in Philadelphia, he sought to discuss with Netroots Nation why they were refusing Plaintiff, attempting to register on site. Both were denied.

351.　🌐 Web Page ⏱ 04/27/20 "OSDI action handler and server for import and people, questions, answers, messages by joshco * Pull Request #1166 * MoveOnOrg/Spoke" [D386] 🌐 GitHub

352.　🌐 👤 Josh Cohen [D386]

> This PR contains an OSDI action handler to submit canvass responses like Question Answers, Tags (aka in VAN terms Survey Question Responses, Activist Codes). The handler will automatically download the available questions/SQs and tags/ACs and show them in the interaction script editing form as actions.
> This can be used to submit data to EveryAction/VAN, Action Network, CiviCRM (in-progress) and other systems that support the OSDI Simple Organizing Profile. (opensupporter/osdi-docs#337)
> This also contains OSDI Server functionality that lets other OSDI clients read data from Spoke in OSDI format, as well as import contacts with batch mode.
> opensupporter/osdi-docs#335

353.　Netroots Nation 2019 occurs July 11-13. On 7/13/2019, Plaintiff was on the sidewalk talking to attendees passing by. When Plaintiff took and returned from a break, Mikey Franklin (Woodhull's subordinate at the time) was waiting for Plaintiff. In front of attendees passing by on the sidewalk Franklin began loudly repeating "You're Josh Cohen, you sexually harass women!" With each repetition, unjust harm was being inflicted to Plaintiff's economic viability, and a foreseeable risk of inciting violence towards Plaintiff. Plaintiff has a witness affidavit describing this.

354.　After Netroots Nation 2019, Skyler Duveen/MoveOn encourages Plaintiff's work on the Spoke OSDI connector.

355.　🌐 👤 Skyler Duveen, MoveOn [D386]

> This PR creates a fantastic external API that will help other programs interface with Spoke -- it's breadth is excellent, but also means we'll have to be very careful about the additional security surface it exposes.

356.　On November 11th, 2019, Skyler Duveen/MoveOn updated Spoke's code of conduct, adding to the list of prohibited behavior, use of litigation or threats of litigation. On November 14th, 2019, Plaintiff published a blog post on the OSDI website announcing the Spoke OSDI connector which could interoperate with NGPVAN, Action Network, and CiviCRM

357.　On December 12, 2019, Plaintiff attempted to comment on an issue in the Spoke repository, but found that MoveOn had blocked him from the repository. A the following NYC Hack Night, Plaintiff asked Skyler Duveen why this was the case. Skyler indicated that Plaintiff had violated the code of conduct prohibiting the use of litigation.

IV.C.2   Break Contact

358.   The coercion ended when Defendants broke contact at in Q1 2020. At the time, Plaintiff didn't understand what happened, or what Defendants goal was. The only thing Plaintiff understood was the use of Disparate Impact, but not what their goal was.

IV.C.3   Civil Rights Complaint

359.   Plaintiff began the intake process to file a civil rights complaint against Netroots Nation 2019 with the Philadelphia Human Rights Commission in May 2019. At that point, Plaintiff still did not understand what Defendants' goal was. The only thing he knew was that Defendants were aligning themselves with women to conceal their abuse of a gay male. This is an example of practices which result in Disparate Impact between protected classes.

IV.D   Data War
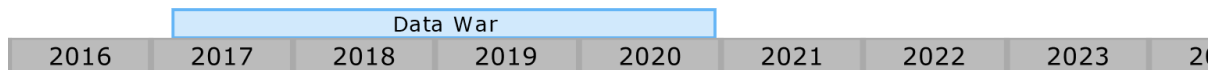
Data War Timelne

360.   Defendants sidelined Plaintiff while a data war erupted after the 2016 election. The seeds of the struggle occurred during the 2016 election. These included the Data Breach in 4Q2015 where the DNC locked the Bernie Sanders campaign out of NGPVAN, depriving the campaign of essential resources for candidates running for election, as well as the DNC's alleged favoritism of Hillary Clinton at Bernie Sanders expense, general anger at Trump's election, and the arrival of Billionaires Reid Hoffman, Lauren Powell Jobs, Eric Schmidt and the formation of VCs including Higher Ground Labs and Acronym.

361.   This led to a fierce power struggle over economies of scale.

IV.D.1   Application Ecosystems

362.   As the largest REST based API ecosystem, which was protect only by a gay male's property, contract and civil rights, it was an valuable but weakly defended economy of scale.

363.   While Defendants were actively misleading Plaintiff with false hope, they were pillaging its resources, using his retirement savings for their own benefit, passing off the work as their own to enrich themselves by securing venture capital, and investing the proceeds into their own enterprises.

364.   Defendants were also "locking out" PDI, preventing them from competing at the level of the market.

IV.D.2   Voter File Data Warehouses

365.   In late 2018, Reid Hoffman funded a new Voter File project with $35 million which would be known as "Alloy". The DNC would describe it as an "Existential Threat", creating it's counter proposal "Democratic Data Exchange" aka DDX. The DNC went so far as to threaten to lock state parties out of NGPVAN if they supported Alloy instead of DDX.

366.   DDX would prevail with Howard Dean as Chair in early 2019, which was canonized at Netroots Nation 2019.

IV.D.3   Disinformation Networks

367.   In response to the disinformation tactics used by the Russian GRU, Dimitri Mehlhorn authored a report and proposal to replicate them. He later used Reid Hoffman's money to fund experiments, which originated at Netroots Nation 2017, starting with a fake "Dry Alabama" campaign to influence the 2017 special election in Alabama, which was run by Beth Becker.

368.   Those experiments grew into a coordinated network of nodes portraying themselves as local news sites, which operate in a coordinated manner to fabricate organic behavior and manipulate search results.

IV.E   Racketeering to Invest Proceeds

IV.E.1   Action Squared

369.   Action Squared is a joint effort between Action Network and AFL-CIO, whose products include Action Network and Action Builder, which have been merged into single product as the result of a platform disintermediation play. Product direction is governed by a model referred to as "Cooperative Development" which shares dominant control among "keystone partners" including AFL-CIO, Action Network, DNC, and DailyKos/Netroots Nation.

370.   Action Squared "cooperative development" development partners included Action Network, AFL-CIO, and DailyKOS/Netroots Nation. Brian Young describes this

371.   🎙 Podcast ⏱ 01/18/19 🕐 2019-01-18 11:37am "Building tech tools that help progressive organizations operate w/ the Action Network's Brian Young" [T174] 🎤 Nathaniel G. Pearlman, The Great Battlefield; 👤 Nathaniel; 👤 Brian

372.   🎙 👤 Brian ⏱ +27:01 [T174]

> ...we really needed some real partners that could make this work and we needed to build it in a way, um, rather than giving up our sort of ideological focus, we would give up some of the control and really think of it as a cooperative sense. So, um, we really found that partner in the AFL-CIO.

373.   🎙 👤 Brian ⏱ +27:01 [T174]

> And the way that we set that up is the we have the development committee called the platform Development committee. And that committee collectively sets the roadmap for development every year. So our core development is driven by that committee. The committee um right now it's us, AFLCIO, and DailyKOS

374. 📍 👤 Brian ⏱ +40:23 [T174]

> we're building a digital tool set with the action network and that's what it's for and it's not really a phone tool. So we really always from the beginning we concentrated on trying to build a good API so people could integrate

375. On 7/11/2019, at Netroots Nation 2019, Action Builder is introduced in a session "A First Look at Action Builder"

376. On 3/11/2020, On its blog, Action Network announces the creation of vertical agreement with DNC and adds DNC as a development partner.

377. On or before 11/23/2020, Action Network introduced its Integration Partnerships program. For the first time Plaintiff was aware of, Action Squared treats OSDI as its own property. The program announcement, which is the property element of extortion is attributed to a woman, Amy Chin-Lai.

378. On 12/03/2020 Brian Young tweets the announcement on Twitter.

379. On 6/22/2021, Action Network's blog reports that Action Network and Action Builder are merged into a single product, completing the platform disintermediation play.

380. On or before 2/23/2022, Action Builder launches its API, which is also OSDI based, used as a proprietary walled garden, once again attributed to a woman.

381. The platform application integration API remains OSDI, however it has been laundered and portrayed as Action Squared proprietary API and ecosystem, and has used Embrace, Extend, Extinguish tactics adding proprietary extensions and incompatible changes,

IV.E.2   Higher Ground Labs

IV.E.2.a   Overview

382. Another recipient of the proceeds is Higher Ground Labs's portfolio companies Civitech, Mobilize, New/Mode, and Shadow Lightrail (renamed Bluelink and acquired by Civitech).

383. Lightrail is a product that synchronizes data between platforms. Its API is also OSDI, misrepresented as its own proprietary API using Embrace, Extend, Extinguish tactics adding proprietary extensions and incompatible changes,

384. The conspiracy to invest the proceeds of racketeering activity into Higher Ground Labs depends on the same conspiracies to gain control of OSDI and operate it.

385. It begins in 2013 when Nathan Woodhull sought to exploit Plaintiff and OSDI to secure venture capital from New Media Ventures and Action Network sought to become "one of two widely used progressive APIs"

• On 7/7/2017, Brady Kriss/RagTag introduced Plaintiff to Dimitri Mehlhorn, Reid Hoffman's political director. [D672]

• On 8/2/2017, Higher Ground Labs announced it's initial cohort including Gerard Niemira's GroundBase and New/Mode. [**D1637?**]

- On 8/15/17, Plaintiff met with Mehlhorn. [**D1867?**] Plaintiff rejected Mehlhorn's funding proposal for OSDI that would use it as a proprietary, internal network effect.

- From this point, Woodhull, Niemira and RagTag engaged in a conspiracy to gain control of OSDI, operate it and invest the proceeds into Higher Ground Labs.

- On 8/2/2017, Higher Ground Labs announced its first cohort of companies it was investing in. [**D1637?**] The cohort included Mobilize and Ground Game.

- Ground Game was founded by Gerard Niemira with his colleagues from Hillary for America. Ground Game would later be renamed Groundbase, then acquired by Acronym in January 2019, then renamed Shadow, then divested and renamed BlueLink, then finally acquired by Civitech in 2022.

- On 4/4/2018, Higher Ground Labs announced their second cohort, which included New/Mode. [**D1638?**]

386.   Civitech also benefited from the proceeds of Defendants' racketeering, but took a different approach and used a shell game to conceal it.

OSDI Shell Game

IV.E.2.b   Timeline

- 12/11/2013, Via email to Plaintiff [D1991], Woodhull shares his plan to seek funding from VC New Media Ventures to build a "universal adapter." From this point, Plaintiff is an obstacle to the interests of venture capitalists.

- 12/08/16 Plaintiff emails Kevin Jennings, the Executive Director of the Arcus Foundation and was former Deputy Undersecretary in President Obama's administration, laying out out a plan to protect the external network effect. [**D1634?**]

- 1/24/2017 Kevin Jennings resigns from Arcus Foundation. Plaintiff receives email from Rodrigo Aguiar, Jennings's assistant stating "Kevin is no longer part of the Arcus Foundation" [**D890?**]

- 5/04/2017 RagTag joins OSDI [D1999] and would serve as a proxy for Higher Ground Labs

- 5/09/2017 Sonya Reynolds/Colibri joins OSDI [D1998] and would serve as a proxy for The Movement Cooperative

- 5/25/2017 Vox news reports on the founding of Higher Ground Labs in early 2017 stating "Higher Ground Labs is a new attempt by some of former President Barack Obama's digital aides" [**D1599?**]

- 08/02/17 Higher Ground Labs announces its initial cohort including Gerard Niemira's Groundbase and Mobilize [**D1637?**]

- 8/15/2017 After being introduced by Brady Kriss/RagTag, who saw OSDI as a way to get funding, Plaintiff meets with Reid Hoffman's political director, Dimitri Mehlhorn and refuses funding.

- 10/17/2017 Nathan Woodhull states he had a long conversation about "profit and purpose" with Steve Anderson, New/Mode's founder. [D592?] Woodhull is connected to the HGL cohort.

- 05/01/18 Mobilize publishes its API which cites OSDI compliance. "OSDI is an exciting and important attempt to bring interoperability to the progressive data ecosystem, a cause we heartily support. However, there are a number of data model and format constraints of OSDI that made it a less than perfect fit for us and our consumers. While we have opted not to follow strict OSDI formats for our API responses at this stage, we have made our best effort to align field names and structure where possible." [D1320]

- 01/17/19 Shadow publishes blog post [D1311] "Introducing The Shadow Party" which outlines what would become Lightrail.

- 1/17/2019 Acronym acquired Groundbase [D1571] and renamed it "Shadow"

- 01/17/19 Tara McGowan, a leader at Acronym refers to shadow's product on Twitter: "system that automatically syncs data between a volunteer management platform amp; SMS tool..." [D1372?]

- 02/27/19 New/Mode publishes its API which cites OSDI compliance. [D711?]

- 07/12/19 Netroots Nation 2019 takes place in Philadelphia July 11-13. On 7/12, Niemira hosts a session: "DON'T PUT DIGITAL IN THE CORNER: WHY EVERY DEPARTMENT SHOULD BE USING DIGITAL TOOLS AND TACTICS" [D1648?]

- 07/22/19 1:33pm Gerard Niemira tweets about the release of Lightrail the previous week while he was at Netroots Nation 2019. "Last week we launched Lightrail and Shadow Messaging. Learn more about why we built a universal adapter for political data and technology" [D1651?]

- 07/14/20 Vox News reports "The Democratic Party's most hated startup cant change what happened in Iowa. But it can change its name". Shadow/Lightrail is divested from Acronym and renamed Bluelink. Niemira leaves Bluelink and is replaced by Irene Tollinger. [D1202?]

- 12/03/20 Chris Goddard, ata engineering and reporting director at the DCCC emails Plaintiff asking "I would really love the opportunity to talk to you about your experience in creating [OSDI]" [D391]

- 1/11/2021 An issue is opened on OSDI's GitHub repository, where Jason Rosenbaum states "this project is somewhat defunct" [D532]

- January 2021 According to LinkedIn, Gerard Niemira begins employment at PDI serving as Chief Product Officer. [D1377]

- 2/8/2021 The GitHub conversation continues, with Joe McLaughlin stating "Unless and until you make a clean break from the OSDI project and the organization, such as it exists now, and I'm not sure that it does exist, I have little reason to believe that any additional organizations will implement any of the OSDI spec." [D531]

- February 2021 According to LinkedIn, Chris Goddard begins employment at PDI serving as Senior Product Manager. [D534]

- 05/11/21 Civitech announces that it acquired Alloy, Reid Hoffman's voter file project. [D1979]

- 06/21/21 Higher Ground Labs announces their 2021 cohort including Bluelink. [D1335]

- 08/12/21 Bluelink's infringement becomes discoverable. [D1252]

- 01/12/22 Reported by Axios, Civitech raises $10 million in funding from Higher Ground Labs. [D1961]

- May 2022 According to LinkedIn Chris Goddard leaves PDI. [**534?**]

- June 2022 According to Linkedin, Gerard Niemira leaves PDI and joins Higher Ground Labs as "Managing Director, Fund IV" [D1377]

- 06/17/22 Civitech acquires Bluelink. [D1562]

- 08/16/22 2:15pm Nathan Woodhull posted on Twitter that he was "Launching something new! Daisychain is an organizing platform that integrates the political tech stack". Woodhull founded DaisyChain with Jon Warnow. [D1907]

- 07/06/23 As Higher Ground Labs Managing Director Gerard Niemira announces its 2023 cohort including DaisyChain [D1949]

V VIOLATIONS

V.A   Action Squared's Infringement

387.   Action Squared infringed on Plaintiff copyrights in the following ways

1.   The Action Network API webpage copies content from the OSDI specification in a way that exceeds the copyright license by creating an unauthorized derivative work and using it as their proprietary API specification. This infringes on Plaintiff's copyrights Txu 2-249-951 and TX0009315996.

2.   Action Network's OSDI implementation was based on source code provided by Plaintiff specifically for the use of an OSDI implementation. TXu 2-386-143.

3.   The Action Builder API webpage copies content from the OSDI specification in a way that exceeds the copyright license by creating an unauthorized derivative work and using it as their proprietary API specification. This infringes on Plaintiff's copyrights Txu 2-249-951 and TX0009315996.

388.   Action Network's use of the OSDI IP can be found at: * https://web.archive.org/web/20201216013651/https://actionnetwork.org/docs/v2/ * https://web.archive.org/web/20201216022013/https://actionnetwork.org/docs/v2/person_signup_helper

389.   In Summer 2022, ActionBuilder released their API, which is published at:

390.   https://web.archive.org/web/20220914003524/https://www.actionbuilder.org/docs/v1/person_signup_helper.html

391.   https://web.archive.org/web/20220914003447/https://www.actionbuilder.org/docs/v1/index.html

392.   After the conversation on Github which ended in February 2021, Plaintiff began to examine Action Network's use of content of the OSDI specification.

393.   According to Action Network's API documentation, in the section "VERSIONS AND WHAT'S NEW" [7]

394.   On August 24, 2020:

> Added the ability to POST and PUT phone number and phone subscription status.

395.   On its webpage for People[8], the definition of phone subscription status states:

> Denotes the subscription status of this phone number. One of ["subscribed", "unsub-scribed", "bouncing", or "previous bounce"].

396.   This is an incompatible change and an example of a prohibited derivative work.

397.   On July 21, 2022, it added "remove_tags" to the helper action functions. The description states:

> Added the ability to remove tags on person signup helper, record attendance help-er, record outreach helper, record signature helper, and record submission helper.

398.   This is an incompatible change and an example of a prohibited derivative work.

399.   On 2/23/2022, Action Squared launched the ActionBuilder API via a blog post on Medium FAC ¶ 1059. The Action Builder web page for People[9] includes the same phone number status field, which is a prohibited derivative work.

400.   The copyright license for the IP is posted here:

401.   https://github.com/opensupporter/osdi-docs/blob/gh-pages/license.md

402.   Both exceed the Copyright License. They are used for commercial purposes, allowing these products to leverage the economy of scale created by the OSDI project, the bulk of which are Plaintiff's contributions.

403.   These infringe on Plaintiff's copyright registrations: Txu 2-249-951 and TX0009315996.

404.   Action Network's original implementation was based on source code provided by Plaintiff which is copyrighted, registration TXu 2-386-143. Discovery will reveal if that code is still in use.

405.   See Exhibits 1,2,3,4.

V.B   Bluelink's Infringement

V.B.1   Bluelink's Copying is Exploitative not Transformative

406.   In 18-956 Google LLC v. Oracle America, Inc. {D1036: i}, the Supreme Court evaluated the purpose and character of the copying, stating on page 3, point 3 in the decision's syllabus.

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[7] https://actionnetwork.org/docs

[8] https://web.archive.org/web/20200909160050/https://actionnetwork.org/docs/v2/people

[9] http://web.archive.org/web/20220914003506/https://www.actionbuilder.org/docs/v1/people.html

> The inquiry into the "the purpose and character" of the use turns in large measure on whether the copying at issue was "transformative," i.e., whether it "adds something new, with a further purpose or different character." Campbell, 510 U. S., at 579... Google's purpose was to create a different task-related system for a different computing environment (smartphones) and to create a platform — the Android platform — that would help achieve and popularize that objective. The record demonstrates numerous ways in which reimplementing an interface can further the development of computer programs. Google's purpose was therefore consistent with that creative progress that is the basic constitutional objective of copyright itself. Pp. 24–28.

407.   The effect of Bluelink's copying is that Bluelink itself can exploit the existing ecosystem of OSDI applications, including those written for Action Squared's products, since they are plagiarized OSDI. With little to no work, Bluelink is compatible with those applications.

408.   Bluelink made By making small incompatible changes while concealing the fact that it is using OSDI and doesn't describe the OSDI equivalents.

409.   As a result, connectors built by developers will not be wire-compatible with OSDI implementations without additional code, even if they were aware of OSDI.

410.   This allowed Bluelink to get a head start, while at the same time locking developers into their API.

411.   Bluelink's copying doesn't fulfill the transformative goal of "adds something new, with a further purpose or different character." as stated by the Supreme Court.

412.   In fact, Bluelink's API is a subset of OSDI. What it describes as its Webhook, is non-literal infringement of OSDI Person Signup Helper. Not only does it not add something new, or have a different character, it is has features than if it had simply built an OSDI conformant implementation.

V.B.2   Bluelink's Copying Decreases the Value of the Copyrighted Work

413.   The Supreme Court also stated in point 4 of the syllabus:

> The fourth statutory factor focuses upon the "effect" of the copying in the "market for or value of the copyrighted work." Here the record showed that Google's new smartphone platform is not a market substitute for Java SE. The record also showed that Java SE's copyright holder would benefit from the reimplementation of its interface into a different market... Pp. 30–35.

414.   Bluelink is a competitive product to Plaintiff's Hero Synchronizer, as well as other integration platforms including Parsons and DaisyChain, rather than a product in a different market.

415.   The value of OSDI was the external network effect that was created. Developers could write code to build an OSDI connector and be compatible with other OSDI compliant platforms, which included Action Network, NGPVAN and others, as well as PDI had it not been locked out.

416.   The value has been destroyed. Since Defendants' racketeering has destroyed the external network effect, and products have their own proprietary APIs, there is no longer one connector that a developer can build with a multiple return on investment.

417.   Bluelink, Action Squared, Mobilize, and New/Mode all reused OSDI in exploitative ways and added proprietary extensions. So even if a developer decides to build an OSDI

connector, it is unlikely to be compatible with those products.

V.B.3   Bluelink's Copying is Essential to its Business

418.   Bluelink describes itself, and functions as a "universal adapter". Applications that use Bluelink code connectors that conform to Bluelink's API specification or implement in-bound APIs conforming to Bluelink's specification.

419.   Therefore it is an essential part of Bluelink's ability to engage in commerce.

420.   Bluelink's Wikipedia page, cites the Wall Street Journal, stating that Lightrail has been made available to all state parties and national candidates under a trial contract, and Party insiders have described it as "common in Democratic politics" {D1207: i}

V.C   Active Misleading

421.   MoveOn's Active Misleading began on February 12, 2018, the same day as the Abuse of Litigation Tweetstorm.

422.   MoveOn created an OSDI project within its Spoke repository with 4 OSDI subitems. These led to work items and pull requests implementing OSDI support in Spoke. After the conspiracy to operate OSDI ended in early 2019, Plaintiff set his attention to contributing to Spoke's OSDI items.

423.   This misleading continued until December 2019, when MoveOn updated the Spoke project's code of conduct adding prohibitions on use of litigation, then blocked Plaintiff from the project, claiming that Plaintiff violated the code of conduct due to Cohen v. Swirling.

424.   MoveOn used a proxy named Kenyetta Dillon who continued the misleaing through early 2020.

V.D   Unfair Competition

V.D.1   Anticompetitive Effects

V.D.1.a   Introduction

425.   This complaint highlights examples of how Defendants and their co-conspirators entered into and engaged in a racketeering conspiracy, in the market for Digital Political Microtargeting Platforms aka "Platforms", to suppress a technology, OSDI, which served as an external network effect. Defendants and their co-conspirators, aka the Campaign did so in the following ways:

   • Gave themselves an unfair competitive advantage and created barriers to entry for competitors, increased customer switching costs and reseller support costs, and reduced customer choice by misappropriating OSDI's essential IP and application ecosystem, and laundered it into proprietary application ecosystems in a manner similar to App Stores.

   • Increased customer switching costs.

- Increased application developer costs.

- Created an artificial inefficiency in the market which favors large, well-resourced players who can afford duplicative work.

- Leveraged the artificial inefficiency to launder an external network effect into proprietary internal network effects to create a market for "universal adapters". An analogy would if Defendants coerced the laptop or smartphone market away from USB-C and back to proprietary connectors.

- Since the relevant markets constitute essential resources for candidates running for election, Defendants and their co-conspirators have gained gatekeeper powers over those resources including products and the data pipes that data flows through, allowing them to discriminate to deprive or degrade those for disfavored candidates.

V.D.1.a.1   Digital Political Microtargeting Platforms Are Relevant Market

426. Citizens in democracies have the right to run for election, vote for their preferred candidate, and engage in democratic campaigns such as ballot initiatives to achieve societal goals. Those who do require access to Digital Political Microtargeting Platforms and associated applications that integrate with them. Digital Political Microtargeting Platforms consist of a Customer Relations Management (CRM) and a Data Warehouse which contains Voter Files and other data, which integrates with a set of applications. Applications include text messaging applications, petitions, fundraisers, and others.

V.D.1.a.2   United States is a Relevant Geographical Market

427. Customers in the United States require products that comply with campaign finance laws, and they use data products for the US market.

V.D.1.a.3   Democratic or Progressive Digital Political Microtargeting Platforms are a Relevant Market

428. In the United States of America, our political system is dominated by two parties, Republicans and Democrats. Since they are in competition, the markets for Digital Political Microtargeting Platforms naturally segregates into two separate markets. One serves the right, where customers are Republicans and Conservatives, and the other serves the left, where customers are Democrats and Progressives. Customers may be candidates running for election or ballot initiatives.

429. This complaint focuses on the Democratic or Progressive side of the market.

430. While there are a few exceptions of systems that serve both sides, they are the exception rather than the rule.

V.D.1.a.4   Microtargeting Systems Are Platforms

V.D.1.a.4.1   Platform Definition

431. The economics of Digital Political Microtargeting Platforms increase in value to customers, and in turn to those who own or control the platform when new applications are added to the platform. This occurs by way of an integration with the platform's API.

432.   In a blog post written by Micah Sifry on April 23, 2023, Micah asks Julia Barnes, CEO of The Movement Cooperative, what infrastructure they support for campaigns.

433.   📰 News ⊙ 04/23/23 "Living with VANxiety: The Present and Future of Progressive Movement Tech - Micah L. Sifry" [D1985] 🌐 Micah L. Sifry

434.   📰 👤 Micah L. Sifry [D1985]

> What is the core infrastructure that such a co-op would support? Barnes rattles the answer off easily.

435.   Barnes responded:

436.   📰 👤 Julia Barnes [D1985]

> A data warehouse, a voter file, a CRM, a canvassing functionality, a phone func-tionality, an email functionality. We have to have all of that, and it has to be in de-signed in a way where it has an open API, where it can talk to all of the tools that people want to sync in, where the users get to determine what aspects of their own data are important, as opposed to that being designed by the company.

437.   Barnes's answer is a set of applications that integrate with a Platform via an API. The following diagram illustrates the relationship between applications and platforms.

Digital Political Microtargeting Platform
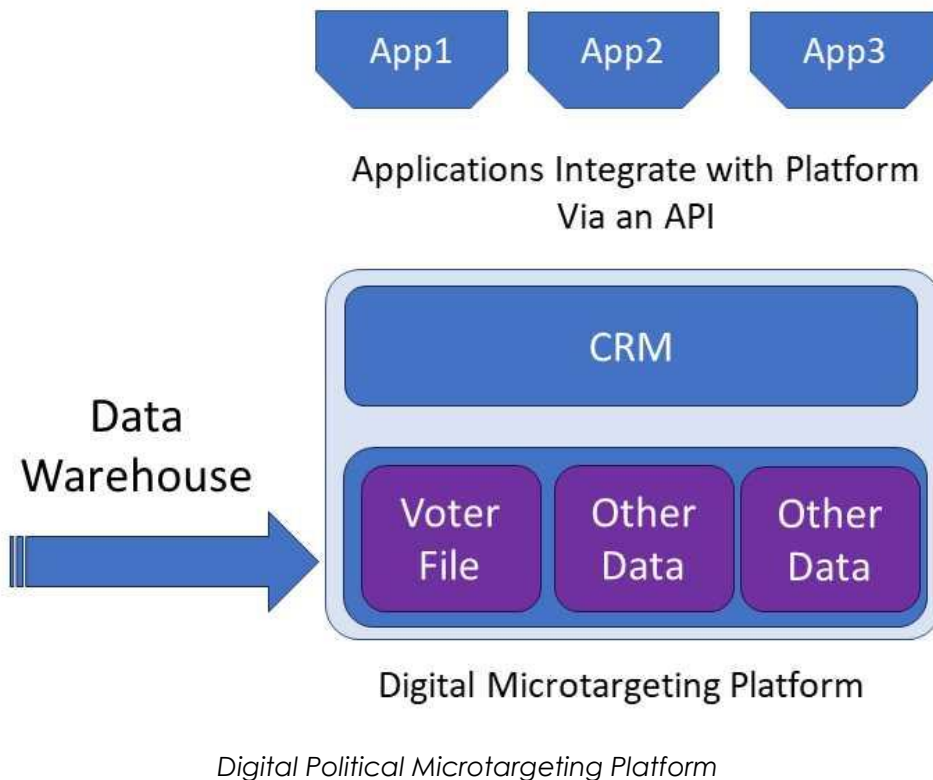
438.   This complaint focuses on the nature of how applications integrate with platforms via APIs.

V.D.1.a.4.2   Higher Ground Labs Tech Stacks

439.   Another example of this relationship is in a blog post published by Higher Ground Labs aka HGL on March 28th, 2022, which describes their recommended "tech stacks" for

customers. {D1442: i}

440.   In the post, there are two diagrams outlining the tech stacks for state level campaigns and local or downballot campaigns.

Downballot Races: State Level

Tool	Function	Price per month	# of months	Total
Deck	Data + Analytics + Fundraising	$200	9	$1800
Universe	"Campaign in a box" CRM + VoterOutreach	$380	9	$3420
Civitech	Campaign OS provides all-in-one campaign management dashboard and tool marketplace	$50-250	9	$450-$2,250
Speakeasy	Digital ad and mail management	$250	8	$2000
BallotReady	GOTV tools and data	$400	4	$1600
Impactiv*	Voter Outreach SMS (P2P and broadcast) + Dialer	$200	9	$1800
Tech Total Per Campaign:		**$1,430**		**$11,070-$12,879**

State Level

Downballot Races: Local, City, County

Tool	Function	Price per month	# of months	Total cost
Deck	Data + Analytics + Fundraising	$200	9	$1800
Universe	"Campaign in a box" CRM + VoterOutreach	$380	9	$3420
Speakeasy	Digital ad and mail management	$250	8	$2000
BallotReady	GOTV tools and data	$400	4	$1600
Impactiv*	Voter Outreach SMS (P2P and broadcast) + Dialer	$200	9	$1800
Tech Total Per Campaign:		**$1,430**		**$10,620**

One caveat here: This assumes that campaigns will get access to NGP VAN through the state party.

Local Level

441.   HGL highlights the difference in the tech stacks, where Local depends on NGPVAN, and State depends on Civitech's CampaignOS. NGPVAN and CampaignOS are the platforms, and the others are applications that integrate with the platforms.

V.D.1.a.5   The Market is Concentrated

442.   As described in the Market Background section of this complaint, a single dominant player, NGPVAN, has had vertical agreements with the DNC, giving it a near monopoly. The main exception was California, which is dominated by PDI.

443.   Existing smaller players, or new players, have had a difficult time gaining a critical mass

of customers to compete fairly with the larger players.

V.D.1.a.6   Customers are Revenue Constrained

444. In a concentrated market, with revenue constrained customers, the harm of artificial inefficiencies will be exacerbated. Customers are political campaigns who's revenue is fundraising, which is constrained by campaign finance laws. Others are non-profits. Large campaigns, like presidential or federal congressional campaigns may have significant resources. However, they are the minority in numbers. Smaller or "downballot" campaigns will suffer to a greater degree. Customers have limited funds to spend on expenditures, therefore the potential revenue for application vendors is small.

445. Anne Lewis, CTO of MoveOn.org comments on the market on "The InfoQ Podcast" on 1/11/2021:

446. ⦿ Podcast ⊙ 01/11/21 ⊙ 2021-01-11 "Ann Lewis Discusses the Political Tech Landscape, MoveOn's Architecture, and Scaling Challenges" [T149] 🎤 InfoQ, The InfoQ Podcast; 👤 Anne Lewis; 👤 Charles Humble

447. ⦿ 👤 Anne Lewis ⊙ +02:36 [T149]

> the market cap of political tech is relatively small compared to the rest of tech in the US. So there's typically not quite enough funding to create enough organic competition to have multiple offerings per type of system that you might use. So what we typically see is that systems with a wider moat like a Crm where all your user databases and we're all of your engagement mechanisms sink into. There are just a few offerings in that space.

448. ⦿ 👤 A. Lewis ⊙ +03:01 [T149]

> typically we see a lot of little apps that try to serve a single purpose and then organizations and tech teams spend a lot of time trying to unify these apps together into a coherent system... the ecosystem is relatively small market cap and so has mixed offerings.

V.D.1.b   Origin of Anticompetitive Conduct

V.D.1.b.1   VC New Media Ventures / Universal Adapter Proposal

449. Plaintiff was originally referred to Nathan Woodhull via email on 2/15/12 [D1057]

450. Via email on December 11th, 2013, Woodhull communicated a plan where he and partners applied for funding from New Media Ventures to build a "universal adapter". If OSDI succeeded, and applications could directly connect to platforms, this would not be a viable business.

451.

452.

453. Though unaware of this, Plaintiff OSDI and its external effect was an obstacle to the

interests of powerful and wealthy interests who had motive for extortion.

454.   ✉ Email Subject ⏱ 12/11/13 ⏰ 2013-12-11 10:36pm "activity" [D1991**] 👤 Nathan Woodhull

455.   ✉ 👤 Nathan Woodhull ⏰ 10:36p [D1991]

> applied for funding from New Media Ventures for a bunch of things, a small chunk of which was funding to write a "universal adapter" to provide a common API binding to a few CRM vendors that their member organizations use... we'd likely do the implementation work if they were to get funding... I'd look to OSDI spec for a common interface.

V.D.1.b.2   Action Network Seeks to be 1 of 2 Dominant Platforms

456.   Action Network released their platform implementation using source code provided by Plaintiff in April 2014. At this point, the conspiracy included Woodhull, Action Network, DNC and Netroots Nation. They attempted to undermine the project in August 2014, as described in the section Early Racketeering. The evening of August 20th, 2014, Plaintiff chatted with Jason Rosenbaum via chat. Rosebaum stated "I'd settle for one of two... two widely used progressive APIs"

457.   Action Network's goal of being one of two widely used progressive APIs would implicitly mean that Action Network would be one of two dominant platforms.

V.D.1.b.3   Had the Early Racketeering been successful

458.   Action Network, AFL-CIO, Netroots Nation/DailyKOS would have a head start using OSDI and its momentum, which was significant, as their proprietary API and application ecosystem, which they share dominant control over.

459.   Woodhull would have gotten venture capital to build his "universal adapter" proposal, and along with VC New Media Ventures would share control over an economy of scale that was based on an artificial inefficiency.

460.   From this point forward, Woodhull, Action Network, Netroots Nation and the AFL-CIO continued to fraudulently induce Plaintiff's labor, while recruiting others including MoveOn.org and the DNC the racketeering conspiracy to gain control of the project, operate it, and invest the proceeds into their own enterprises.

V.D.1.c   Action Squared Executes Platform Disintermediation Play

461.   One of the few ways to gain a critical mass in a digital platform market is to execute a platform disintermediation play.

462.   Action Squared began as Action Network, which functioned as a digital organizing toolset which acted as an application that integrated with the dominant platform, NGPVAN, using the platforms OSDI endpoint. Today it is a platform which provides a competitive alternative to NGPVAN and has expanded its functionality to include SMS, peer-to-peer and other features that previously were separate applications.

463.   The platform disintermediation strategy is outlined by Charlotte Slaiman, Competition Policy Director of Public Knowledge, when testifying before the House Subcommittee on Antitrust:

464.   📋 Meeting Minutes 🕐 02/25/21 🕐 2021-02-25 1:00pm "Testimony of Charlotte Slaiman" [D717]

465.   📋 👤 Charlotte Slaiman 🕐 1:13p [D717]

> Perhaps most importantly, one of the very few ways of attempting to compete against a dominant digital platform is to start out in an adjacent market, as a company that competes on the platform.

466.   📋 👤 C. Slaiman 🕐 1:14p [D717]

> Often, the market for competition on the platform could serve as a "feeder" market for competition against the platform. From the feeder market of competing on the platform, an entrant can expand out to provide more and more "verticals" to eventually replace the platform for some users.

467.   📋 👤 C. Slaiman 🕐 1:14p [D717]

> Or, an entrant can disintermediate, building a direct relationship with the consumer and bypassing the platform altogether.

468.   📋 👤 C. Slaiman 🕐 1:14p [D717]

> The gatekeeper platforms recognize this, and thus can use the many tools for discrimination at their disposal to demote companies that may pose a competitive threat to the platform itself -- not just the platform s other businesses that compete on the platform.

469.   Action Squared followed a similar scheme. Action Network began in an adjacent market, as a digital toolset, which was an application that integrated with the dominant platform, NGPVAN. [397?] [D452?] Early in the Action Network product lifetime, functionality like volunteer management, mobile sms, peer-to-peer, was provided by applications that integrated with Action Network via its platform implementation of OSDI. Examples included Mobile Commons and CallHub for mobile functionality, NGPVAN for volunteer management, and salesforce for CRM functionality.

470.   At SXSW 2015, during the OSDI session, Jason Rosenbaum describes Action Network and makes the point that a common API removes barriers to entry and reduces cost for integrations.

471.   🔊 Audio 🕐 03/13/15 🕐 2015-03-13 11:00am "Turbocharging Social Activism with Data Standards" [T105] 🎤 ; 👤 Jason Rosenbaum, Action Network; 👤 Gayatri Bhalla, Catalist; 👤 Josh Cohen, Self; 👤 Tim Anderegg, Independent

472.   Early in its development. Action Network portrayed itself as a digital toolset, which functioned as an application that integrated with a platform. Action Network and the AFL-CIO used Action Network as an application that integrated with NGPVAN's platform, using OSDI.

473.   🔊 👤 Jason Rosenbaum 🕐 +09:34 [T105]

> a little from my perspective, Action Network is an online organizing tool, so it does one thing and we try to do it really well, which is managing your email, managing your online actions like online donations or signing petitions, that kind of thing. We don't do a lot of the other things that josh mentioned right, We don't do like voter file stuff, volunteer stuff, phone banks, you know, facebook, all that kind of stuff.

474.   Rosenbaum discusses the barrier to entry that OSDI removed. Defendants' racketeering restored the barrier to entry.

475. 🔊 👤 J. Rosenbaum ⏱ +12:51 [T105]

> It takes that job maybe from a three or four weeks development project down to maybe a couple days. Right. If we're all using a common API there's a dream that at some point in the future this is this is plug and play... taking it down from three weeks to a couple of days really changes the barrier to entry for me building an integration that our partners want. We're able to do it quicker. It's less costly. And it means that more integrations can happen.

476. According to Brian Young, Action Network's founder on The Great Battlefield Podcast on 1/18/2019 stated:

477. 📍 Podcast ⏱ 01/18/19 ⏱ 2019-01-18 11:37am "Building tech tools that help progressive organizations operate w/ the Action Network's Brian Young" [T174] 🎤 Nathaniel G. Pearlman, The Great Battlefield; 👤 Nathaniel; 👤 Brian

478. 📍 👤 Brian Young ⏱ +40:23 [T174]

> So we really always from the beginning we concentrated on an API and trying to build a good API so people could integrate in with us

479. 📍 👤 B. Young ⏱ +40:23 [T174]

> keeping the focus there and building in really think of ourselves as a, as part of a tech ecosystem and we're not going to be everything for everybody.

480. Over time, Action Network integrated those features directly in its product. Action Network's blog post on 2022-01-19 states it has added mobile messaging into its platform

481. In addition to adding new features to expand horizontally, Action Squared disintermediated the dominant platform. Action Network and the AFL-CIO were building a VAN competitor, ActionBuilder. Today, ActionBuilder is a competitive alternative to NGPVAN. This allows Action Squared to build a direct relationship with the customer and sell a competitor to NGPVAN.

482. While concealing their motive from Plaintiff, Action Squared used Plaintiff, the OSDI project, and his sexual orientation as a shield to prevent the dominant player NGPVAN from discriminating or impeding their platform disintermediation play. Had NGPVAN, the DNC or other big player overtly destroyed OSDI, the optics would paint them as homophobic, monopolistic, or otherwise hypocritical.

483. On 7/11/2019, Action Squared released its new platform ActionBuilder at Netroots Nation 2019 in Philadelphia.

484. On 6/22/21, Action Squared announced that they were merging Action Network and Action Builder.

485. Action Network's web page listing integrations with other products no longer lists the NGPVAN integration. The page describing its integration with NGPVAN, which used NGPVAN's OSDI service has been hidden.

V.D.1.d   Tipping Point for External Network Effect

486. Despite their racketeering efforts, in 2017, OSDI succeeded in creating an external network effect.

487.   In September 2015, NGPVAN's platform implementation came online. As a near monopoly, with the majority of customers, this was sufficient to tip the market. Application vendors who implemented an OSDI connector would gain interoperability with NGPVAN, which was a market requirement. They would also get interoperability with Action Network with little or no additional work.

488.   Action Network itself used NGPVAN's OSDI endpoint for its integration with NGPVAN to support the AFL-CIO's customer requirements. In 2016, Defendant's extortion began.

489.   In Summer 2017, at Netroots Nation 2017, PDI launched its new national platform and stated its intent to join OSDI and implement the specification. Defendants then escalated to Abuse of Process.
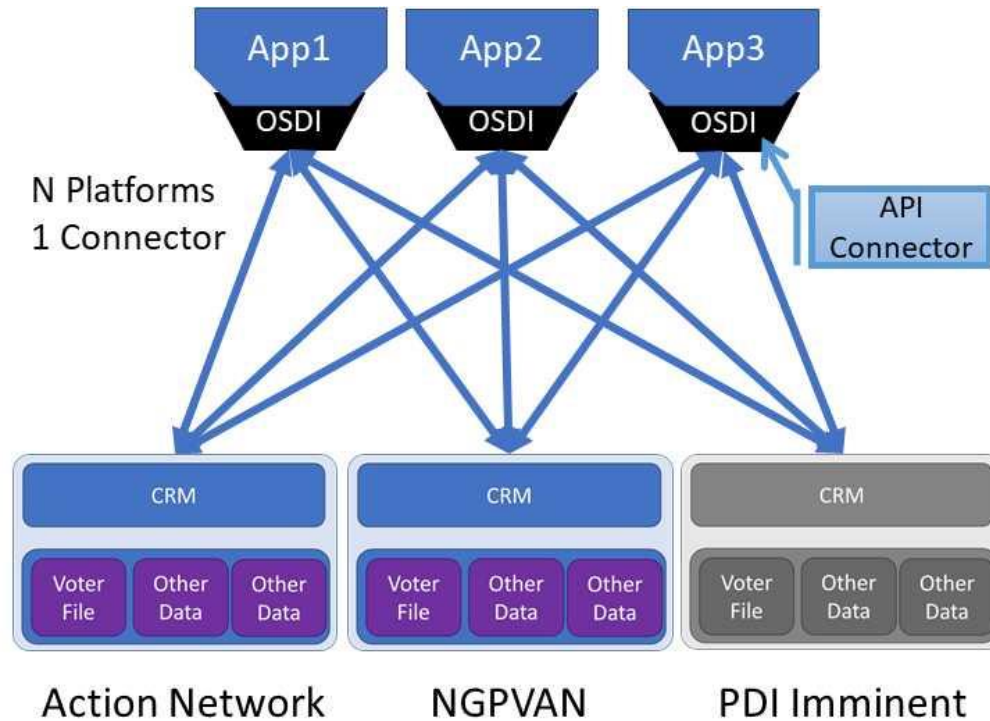
OSDI Tipping Point

490.   The above diagram illustrates that application developers only need to spend resources to build a single API connector, which allows the application to interoperate with any compliant platform.
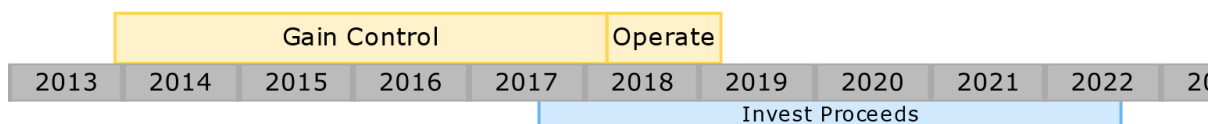
Defendants Racketeering Activity

V.D.1.e   Defendants Gave Themselves an Unfair Competitive Advantage

491.   The outcome created by Defendants' racketeering activity allowed them to invest the essential IP and application ecosystem into their own enterprises.

492.   The effect on application developers is that they need to spend engineering resources building and maintaining connectors for each platform they seek to support. As they do their cost/benefit analysis they will prioritize the platforms with the most customers.

493.   New platforms start from zero in terms of addressable market of customers and applications integrations. For application developers building connectors for them will be lower priority. If they are built at all, and may have less functionality than the connectors they build for larger platforms with larger addressable markets.
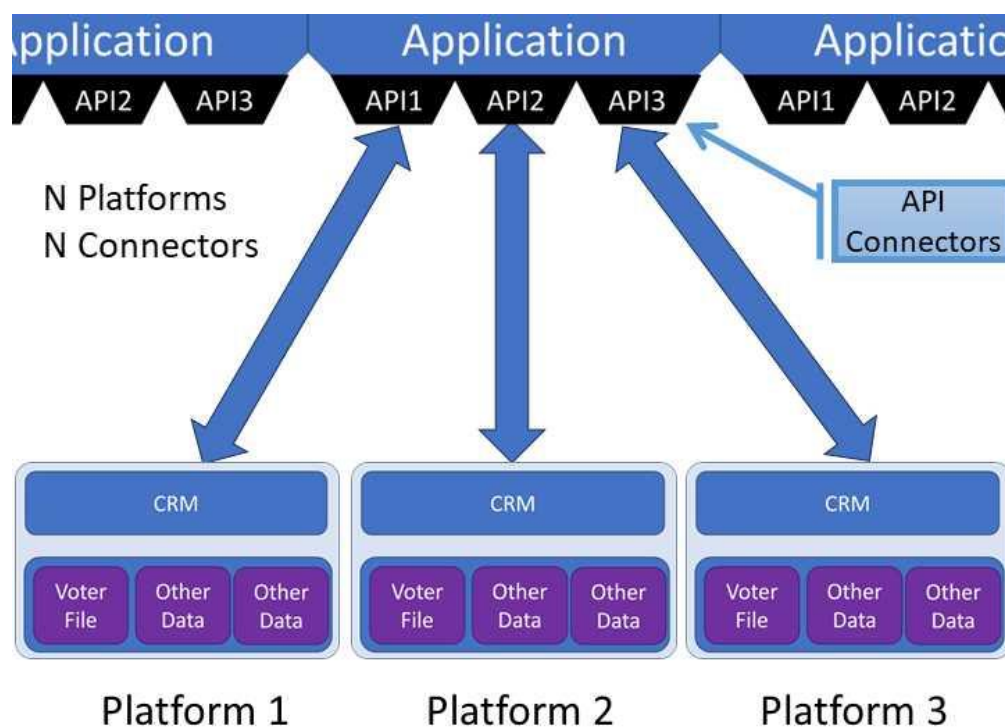
Product specific API - Internal Network Effect

494.   The above diagram shows that application developers now need to spend resources to build N API connectors in order to interoperate with N platforms.

495.   The effect on platforms is that the set of applications that have built connectors to integrate with their platforms is an economy of scale that they can use as a competitive advantage against other platforms. The effect of this is that the set of applications compatible with each platform resembles App Stores like in the mobile space.
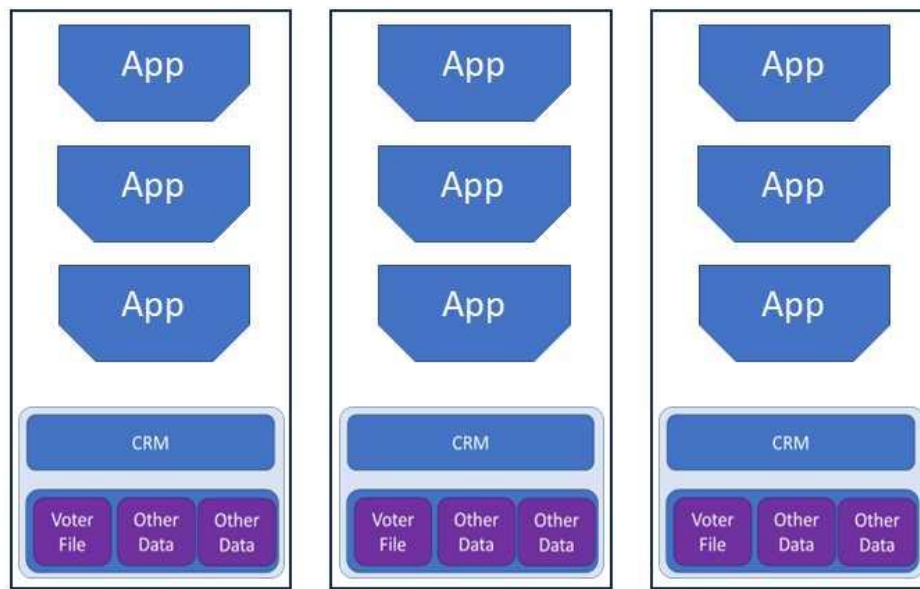
App Stores -- Internal Network Effect
Proprietary Walled Gardens Compete Based on Scale

App Stores

496.   As a result of Defendants' racketeering, Action Squared and Civitech, via its acquisition of Lightrail/Bluelink, inherited a head start by misappropriating OSDI's essential IP and application ecosystem. Since OSDI was the largest REST API based application ecosystem, it had achieved a self-perpetuating critical mass of adoption.

497.   The House Subcommittee on Antitrust report on Competition in Digital Platform Markets aka CDPM describes the nuances of digital platform markets and the effect they have on competition.

498.   📄 Document 🕐 10/02/20 "INVESTIGATION of COMPETITION in DIGITAL MARKETS" [D852]

499.   📄 [D852]

> New app stores face high barriers to entry. It is unlikely that a third strong mobile app ecosystem can emerge. To offer a new mobile app store that is compelling to consumers, the app store must have a built-in customer base to attract developers to build apps for the store and must have popular apps to attract customers.

500.   📄 [D852]

> Over the past decade, several large technology companies have attempted and failed to leverage their large user bases to compete against Apple and Google in the mobile OS market.
> Facebook and Amazon both tried to enter the market with variants of Google's Android OS. Both companies quickly exited the market because consumers were mostly accessing Facebook and Amazon content through apps on iOS and Android devices.

501.   📄 [D852]

> Companies like Mozilla and Alibaba have also attempted to enter the mobile OS market. Mozilla unveiled its Firefox OS in 2013 and exited the market altogether by 2016.

> In 2012, Chinese tech giant Alibaba developed a mobile OS called Aliyun. However, Acer cancelled its collaboration before the launch

502. [D852]

> each platform now serves as a gatekeeper over a key channel of distribution. By controlling access to markets, these giants can pick winners and losers throughout our economy.

503. The report cites Paul Arnold, a venture capitalist, who states that VC's shy away from investing in concentrated markets with dominant platforms due to the challenges these barriers to entry create.

504. [D852]

> Paul Arnold, an early-stage investor and founder of Switch Ventures, commented at the Justice Department s recent workshop on the intersection between venture capital and antitrust law that he considers markets dominated by large platforms to be kill zones. [T]here s an incredibly, concentrated market share because of the economies of scale or because of network effects, it s a really hard barrier to overcome.

V.D.1.e.1   NGPVAN

505. Today, NGPVAN remains a dominant platform and application ecosystem, and has deprecated its OSDI endpoint. Instead it relies on its proprietary REST API, as well as legacy SOAP/XML API.

V.D.1.e.2   Action Squared and Civitech

506. Action Squared and Civitech API's are both OSDI disguised as their proprietary APIs and have made changes or additions that make them slightly incompatible.

507. Action Squared has two platform implementations, Action Network and Action Builder. Both are OSDI in disguise.

508. Civitech owns both CampaignOS and Bluelink (formerly Lightrail). By combining CampaignOS and Bluelink, CampaignOS gains an ecosystem based on the OSDI head start.

509. From an application development perspective, building a connector for Action Squared or Civitech will work with the other for the most common scenarios using OSDI helpers like Person Signup Helper (which Bluelink uses). So application developers can build a connector for NGPVAN's proprietary API and Action Squared/Civitech.

510. Action Squared and Civitech's behavior is similar to Microsoft's behavior in Sun Microsystems v. Microsoft Corp., 21 F.Supp.2d 1109 (N.D.Cal.1998). Microsoft added extensions to its Java implementation, J++. When used by Java developers on Microsoft's J++, applications would be "locked in" to Microsoft's implementation, and to Windows as a result, since they would not be compatible with implementations of the Java standard.

511. These are "Embrace, Extend, Extinguish" tactics. Over time, depending on future changes and evolution by Action Squared and Civitech, compatibility will decrease over time. However, since both platforms already have a critical mass of adoption, they already have an internal network effect.

512. Since Action Squared and Civitech have gained a critical mass of adoption and

gained a significant addressable market of customers, application developers to have a small customer acquisition cost.

V.D.1.e.3   PDI

V.D.1.e.3.1   PDI National - BlueVote

513.   PDI's national platform, which it released at Netroots Nation 2017 was named BlueVote and had a web page at bluevote.com. It has since been taken down now redirects to PDI's main site. According to the Internet Archive, the last "Integrations" archived page for BlueVote shows only two application integrations, ThruText and Organizer.

514.   Had PDI implemented OSDI, its application ecosystem would have included OSDI compliant products. Those included ActBlue, Mobile Commons, CallHub, Accurate Append, Mobile Commons, Act Blue, New/Mode, CiviCRM, New/Mode, Mobilize, MoveOn Spoke, MoveOn Internal Tools, ProgCode Resistance Calendar, ProgCode National Voter File, ProgCode Maps for Change, RiseUp.

515.   Any application developer that build a connector for Action Network, Action Builder, NGPVAN or Bluelink would also be compatible with PDI's BlueVote.

516.   PDI's BlueVote was launched in 2017, before Action Builder and CampaignOS. But for Defendants' unlawful conduct, PDI's BlueVote would have competed at the level of the market, with the same application ecosystem as Action Squared and Civitech's CampaignOS.

517.   Instead, one challenge that BlueVote faced was the lack of compatible applications in its ecosystem.

V.D.1.e.3.2   PDI Today

518.   PDI's website no longer lists BlueVote or a national platform product. PDI's current website site lists "California Campaign Center", who's web page states "Our Campaign Center is not available outside of California at this time. Contact Sales to learn more or browse our website for product offerings that are available across the country."

519.   Though PDI has gained some integrations, lower priorities can result in integrations with less functionality. An example of this has already occurred with event management application Mobilize's integration with platform PDI. This is stated on Mobilizes web page for PDI integration "This integration supports the uni-directional flow of data from a Mobilize organization to a PDI account. While our integration with PDI is not as robust or fully-featured as our VAN integration, we do sync over our core data models."

V.D.1.f   Defendants Created a Barrier to Entry for Competitors

520.   Other existing platforms will be "third platforms" or worse and will have difficulty convincing application developers to write additional connectors for their platforms. They will have challenges similar to those of Amazon, Microsoft, Nokia and others who attempted to create their own mobile App Stores.

521.   New platforms will face these challenges to an greater degree. New platforms start with no addressable market of customers or application ecosystems.

522.   CDPM [D852] states "To offer a new mobile app store that is compelling to consumers,

the app store must have a built-in customer base to attract developers to build apps for the store and must have popular apps to attract customers."

523. New platforms will face a "chicken and egg" problem. They will lack a large enough customer base to attract application developers to build connectors for their platforms. They will also lack a competitive ecosystem of applications compatible with their platforms compared to dominant platforms to attract new customers. Nor will it justify the necessary switching costs for customers of other platforms to switch to the new platform.

V.D.1.g   Defendants Increased Switching Costs

524. Customers who switch platforms will not be able to take their applications with them to their new platform. They will have to choose from applications that have built a connector for the new platform and are thus in the new platform's App Store.

V.D.1.h   Defendants Increased Application Developer Costs

525. Application developers face additional costs per each connector they build for a given platform.

526. Even in the case where platforms differentiate themselves with proprietary features expressed through an API, Defendants have increased costs as well.

527. Prior to the destruction of OSDI, application vendors could participate in OSDI at no cost, and participate in a consensus process to decide on definitions in the API specification. They had a vote similar to other members, regardless of their individual scale, finances and market power.

528. As the OSDI specification evolved, applications developers only needed to track a single specification. Their engineering maintenance costs would be spent on a single connector.

V.D.1.i   Defendants Gained Gatekeeper Powers

529. Since the market has a small addressable market, a digital platform market and is concentrated with few platform solutions, Defendants have gained gatekeeper powers over essential resources for candidates running for election.

530. Action Squared describes its governance model as "Cooperative Development", which is led by its "keystone partners". Those include Action Network, AFL-CIO, DailyKOS and DNC. Netroots Nation evolved from DailyKOS yearly conferences "YearlyKOS" which took place in 2006 and 2007, before being renamed Netroots Nation. Both entities have significant crossover in leadership.

531. As a result, they share dominant control over a new dominant platform, Action Squared, which is comprised of Action Network and Action Builder.

532. Higher Ground Labs and its portfolio companies benefited from OSDI, including CiviTech/Bluelink, New/Mode, and Mobilize. Netroots Nation's board chair, Cheryle Conti also sits on Higher Ground Labs's advisory board. [**D2000?**]

533.   But for Defendants' actions:

- Competitors would not face this barrier to entry.

- Customers would not face switching costs from an application ecosystem perspective.

- Application developers would not have to resource duplicative connectors which are an artificial inefficiency.

V.D.1.j   Defendants Created an Artificial Inefficiency

534.   By destroying the external network effect, Defendants have forced application developers to spend resources to fund duplicative and unnecessary work.

535.   For comparison, as laptops converge on USB-C adoption for power and charging, the value of universal adapters, such as those from Targus decreases to zero. At this point in time, USB-C adoption on new laptops has already crossed the tipping point, creating an external network effect. The effect of this is that vendors who have experience building USB devices can participate in the market for chargers and battery packs for laptops, mobile phones and any compliant device.

536.   OSDI had already crossed the tipping point to create an external network effect. Defendants' actions would be like coercing the laptop and mobile phone market to abandon USB-C and return to proprietary connectors for power and charging. This would impose an additional, unnecessary cost upon USB vendors, who would need to build different versions of their products, or supply a myriad of adapters to be compatible with different laptops, mobile phones or other products.

537.   Defendants have exploited this inefficiency to create a need for "universal adapters" to connect to platforms as well as CRMs used by political campaigns.

538.   In 2018, Plaintiff released a synchronizer product "Hero Sync", which synchronized data between political CRMs such as Salsa, as well as Salesforce and microtargeting platform NGPVAN, as well as Action Network, by using OSDI. This involved synchronizing records for People, Events, Attendances etc.

539.   Since the synchronizer was compatible with any OSDI compliant system, For systems that didn't have their own OSDI connector, Plaintiff built one for those platforms, which were available for anyone to use.

540.   As a result, Plaintiff could spend his engineering resources developing feature functionality for the synchronizer rather than integration connectors. For illustration, examples of features included

- Customer customizable logic rules, where if a person had tag X in the origin system, tag Y would be applied in the destination system.

- Automated charts and graphs that showed synchronization metrics over time.

- Automated "diff" functionality which highlighted the specific change in a record which could be accesed via the logic rules, and shown in reports sent to users of the product.

541.   The following diagram illustrates that only 1 API connector is needed.
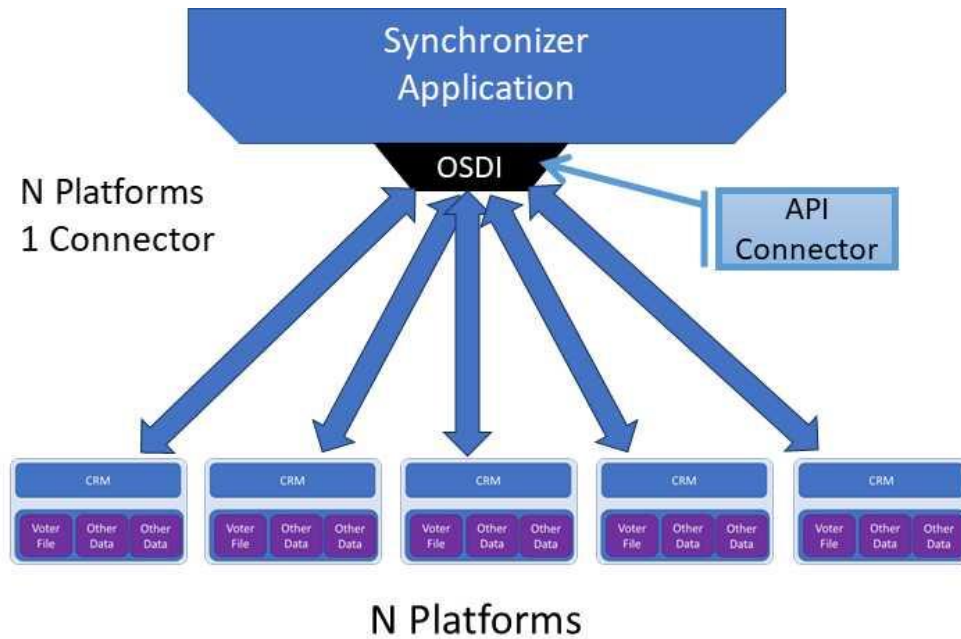
Standard API - External Network Effect

542.   The less time developers spend writing connectors to different systems, the more time they have available to create features and functionality. Customers purchase products for features and functionality; they expect integration to "just work."

543.   As a result of Defendants' racketeering, separate connectors are now needed to integrate with different platforms, which is an artificial inefficiency. The following diagram illustrates where multiple connectors must be built.
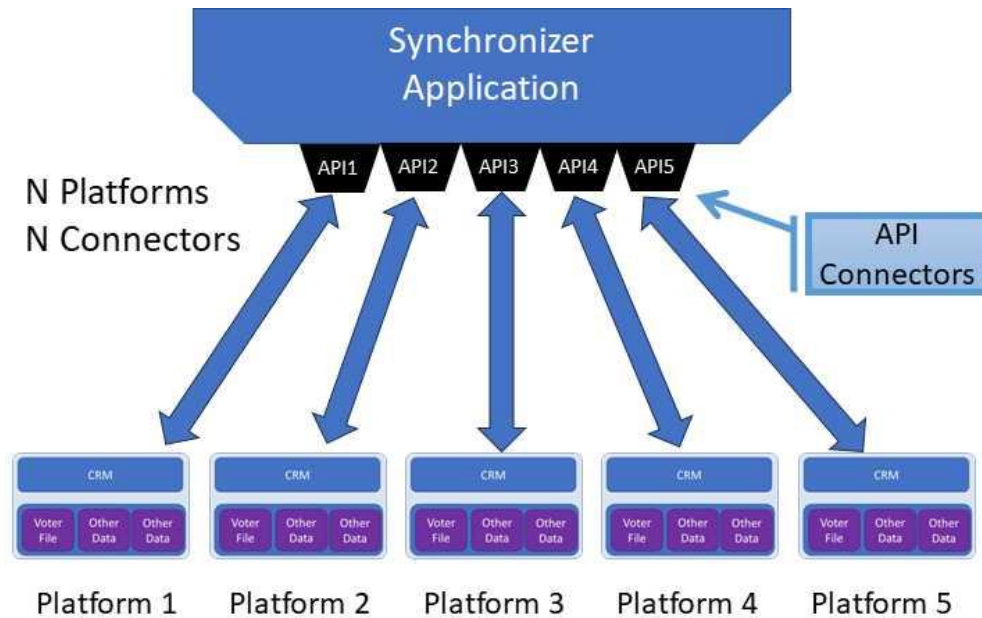
N Platforms

Product specific API - Internal Network Effect

544.   As a result, the synchronization features and integration connectors have become vertically integrated. Defendants have exploited this artificial inefficiency to create a need for "universal adapters", where the set of connectors for different systems are an economy of scale.

545.   Since an economy of scale requires significant resources to build and grow to a critical mass, as well as maintain the various API connectors as the platform vendors independently evolve their own APIs, Defendants have an economy of scale they can control using the "strings" of funding. This also allows Defendants to gain gatekeeper powers over essential resources by controlling the "data pipes" political data flows through.

V.D.1.k   Defendants created a market for "Universal Adapters" and Exchanges

546.   Application developers will prioritize platforms with resources to grow their platform and largest addressable market for them to acquire customers. NGPVAN, Action Squared and Civitech's CampaignOS will benefit from this.

547.   As described above, application developers who would prefer to spend their engineering resources on features rather than connectors, can utilize a "universal adapter" service to connect with different platforms.

548.   Universal adapters Plaintiff has discovered include the following:

- Lightrail/Bluelink -- Funded by VC's Acronym and later Higher Ground Labs. In 2022, Higher Ground Labs provided additional funding to Civitech, who then acquired Bluelink.

- Parsons -- Controlled by The Movement Cooperative, whose largest funder is MoveOn.org [**D756?**]

- DaisyChain -- Founded by Nathan Woodhull and Jon Warnow, funded by Higher Ground Labs

- Community Tech Alliance (CTA) PAD -- A new entrant

549.   The market has been coerced to an internal network effect model, where universal adapters and their library of connectors are an economy of scale.

Universal Adapters

550.   Those who control the universal adapters can use that economy of scale as a beachhead and then add feature functionality and evolve into a platform. This is a similar approach to Action Squared's platform disintermediation play.

551.   DaisyChain is an example of this. When initially launched, Nathan Woodhull describes DaisyChain on Twitter on 8/16/22 "Daisychain is an organizing platform that integrates the political tech stack." However, since then DaisyChain has added new features to build out a platform. [D1907]

552.   On its web page, Community Tech Alliance touts its data integrations and the barrier to entry of needing to build integrations. It states "PAD also syncs with over 50 tools (and counting). That s 50+ integrations you don't need to custom build."

553.   The universal adapters also have connectors for commodity services unrelated to politics, such as Amazon Redshift, Google Cloud, Microsoft Azure and Salesforce. These services have open source libraries provided by service providers and generic community projects which can be used by applications, but are not unique to the universal adapters.

554.   What is unique to the universal adapters is the connectors for the platforms and political CRMs, which are unique to these markets. That is addresses the need that application developers have due to the artificial inefficiency.

555.   As more application data flows through the universal adapter, the more it becomes an exchange where political data flows through it, essentially becoming "data pipes".
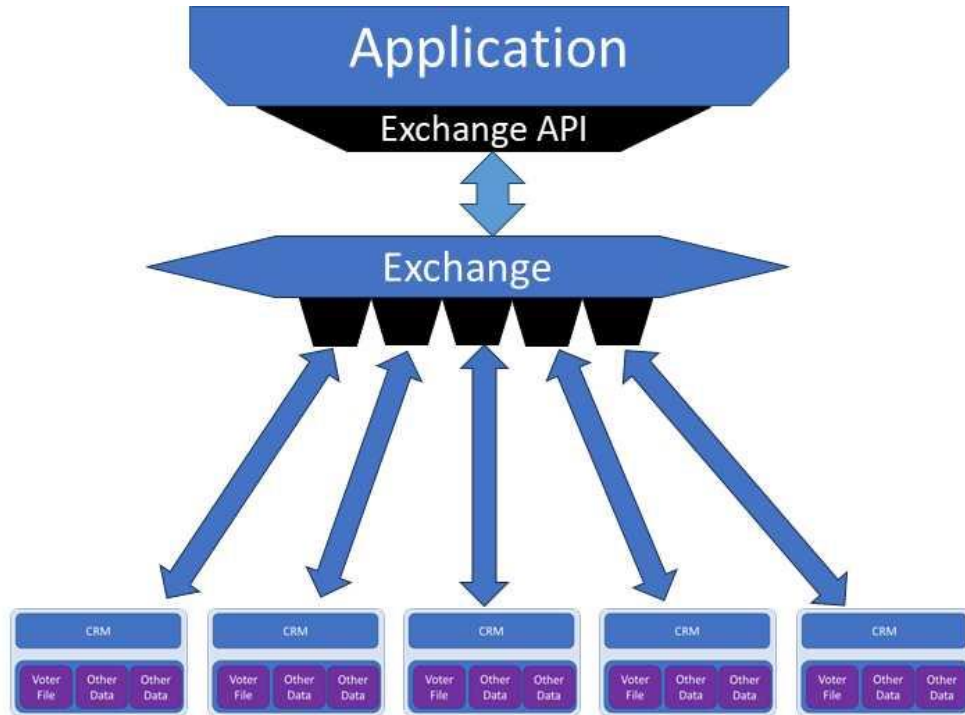
Exchange Universal Adapter

556.   Those who control the exchanges now have gatekeeper powers over data pipes.
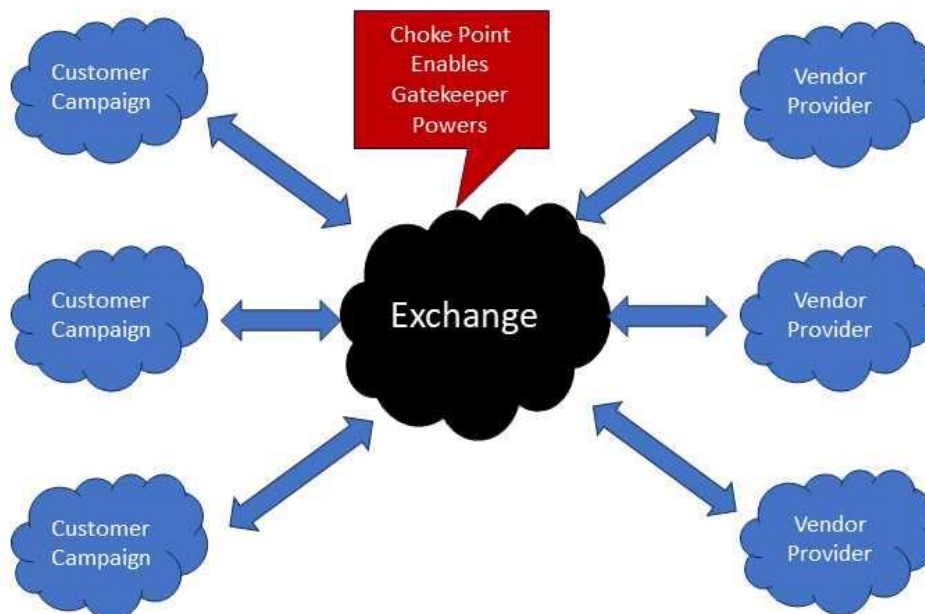
Gatekeeper Powers

557.   Since API connectors are individually identifiable, they can be targeted for discrimina-
tion. For example, if a vendor serves customers who represent primary challengers or
candidates otherwise disfavored by the gatekeepers, their API connector can be indi-
vidually disabled or degraded without affecting other applications. This can be used to
create an unlevel playing field in an election, or to retaliate against the vendor to dis-
courage future support for disfavored candidates.

558.   The emergence of Data Brokers, who function as exchanges, has been reported in the
news.

559.   📰 News 🕘 03/19/19 "The Secret Power of Political Data Trusts,The Secret Power of
Political Data Trusts - Overture Global" [D591] 🌐 Overture Global

560.   📰 🌐 Sean McDonald, overture_global [D591]

> The Secret Power of Political Data Trusts,The Secret Power of Political Data Trusts -
> Overture Global

561.   📰 👤 Sean McDonald [D591]

> Most of the recent coverage about politics and data has been about scandal. What
> gets less coverage is the underlying way that data is shaping more than the way in
> which parties and movements work data is also changing the way they re orga-
> nized.

562.   📰 👤 S. McDonald [D591]

> And how parties share data increasingly defines who gets access to the party s plat-
> form, resources, and seats. Across both aisles, a new generation of data power bro-
> kers decides who gets to participate in politics.

563.   📰 👤 S. McDonald [D591]

> The fissures in the core negotiating foundations of the Democrats' data architecture
> were on display in the last presidential election. In late 2015, one of Bernie Sanders's
> campaign staffers accessed Hillary Clinton's voter file, causing the Democratic Con-
> vention to revoke his campaign's access. The DNC relented after the Sanders cam-
> paign mounted a breach of contract lawsuit, but damage to the party's digital unity
> had been done.

564.   📰 🌐 S. McDonald [D591]

> ...a growing group of large progressive-cause campaign organizations are starting to
> share data under the banner of the Movement Cooperative, which will essentially
> govern the way the group buys, combines, and uses its voter files.

565.   Examples of exchanges that Plaintiff has discovered:

V.D.1.k.1   Parsons

566.   The Movement Cooperative project Parsons is an example of a "universal adapter". Its
"about: page states that Parson "...contains a growing list of connectors and integra-
tions to move data between various tools. Parsons is focused on integrations and con-
nectors for tools utilized by the progressive community. Parsons was built out of a belief
that progressive organizations spend far too much time building the same integrations,
over and over and over again, while they should be engaged in more important and
impactful work."

567.   It serves as a universal adapter by having individually coded connectors for each

platform or product it can connect to. These include ActBlue, Action Network, Action Kit, Mobile Commons, NewMode, NGPVAN and Bluelink.

568.   According to OpenSecrets.org, as of the 2022 election cycle, MoveOn.org has been the largest funder of The Movement Cooperative.

569.   On website "Progressive Data Jobs", The Movement Cooperative posted a job position "Data & Technology Strategist", states ""We help with the establishment of syncs, data pipelines, analytics..."

570.   Bluelink submitted a connector for Parsons, in September 2021, just over 4 years after Netroots Nation 2017. Examining the source code reveals that it is using OSDI Person Signup Helper. Therefore, Action Network and Bluelink's connectors are essentially the same. The source code repository for Parsons lists source code for connectors to systems it integrates with. Though it lists Bluelink on the About page, the source code has been hidden or removed. Plaintiff saved the original version.

V.D.1.k.2   Lightrail/Bluelink/Civitech

571.   In Summer 2017, Higher Ground Labs initial cohort of funded companies included GroundBase, which was founded by Gerard Niemira after his employment at Hillary for America aka HFA. At the conclusion of the racketeering conspiracy to operate OSDI, in early 2019, Acronym acquired GroundBase and renamed it Shadow. At that point Niemira announced Lightrail, which billed itself as a "universal adapter". Shadow was subsequently divested from Acronym, and its other product terminated, leaving only Lightrail. Shadow was then renamed Bluelink, which then received funding as part of HGL's 2021 cohort. In 2022, Civitech received a round of funding and then acquired Bluelink. Civitech also acquired Alloy, Reid Hoffman's voter file project.

572.   In September 2021, Bluelink's API became discoverable, revealing its use of OSDI as its inbound API. This is consistent with the proposal Woodhull shared with Plaintiff in 2013.

573.   As of January 2022, Bluelink's library of connectors is shown in the diagram below, taken from Bluelink's website:
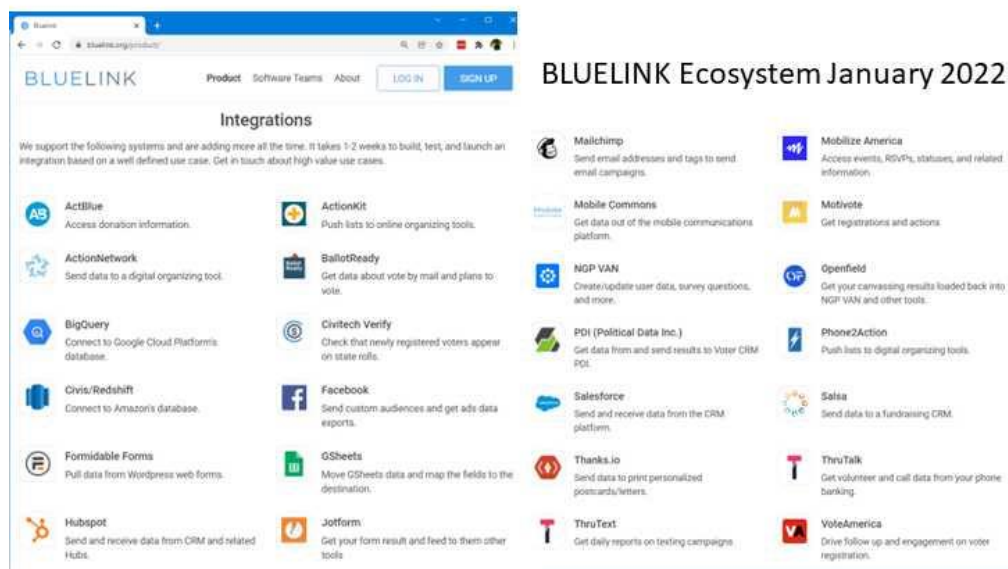
Bluelink Ecosystem 2022

V.D.1.k.3   Democratic Data Exchange

574.   Shortly after the end of the racketeering conspiracy to operate OSDI, and the DNC Winter meetings, the Democratic Data Exchange aka DDX was announced.

575.   📰 News ⏱ 02/13/19 "Howard Dean to head new Democratic voter data exchange" [D588] 🌐 The Burlington Free Press

576.   📰 👤 Bill Barrow, Burlington Free Press [D588]

Dean confirmed that he's signed on to lead a planned data exchange hammered out by DNC officials, state party leaders and Democratic consultants. The agreement still requires the expected approval from state party leaders gathering Wednesday in Washington, but it would end more than 18 months of internal party wrangling that has dogged DNC Chairman Tom Perez amid fights over money and control.

577.   📰 🌐 BILL BARROW [D588]

"He's really a unique person in the DNC," said Mary Beth Cahill, a top Perez lieutenant who led the negotiations and who managed John Kerry's 2004 presidential campaign that defeated Dean. "Just looking at the landscape, he seems like one ofthe best signals we could send" to get everyone on board.

578.   📰 🌐 B. BARROW [D588]

The new exchange will operate as an independent for-profit enterprise led by Democratic strategist Jen O'Malley Dillon, once a top adviser to Hillary Clinton's campaign.

579.   On 4/2/2019, The Burlington Press published "Inside the Democrats Plan to Fix Their Crumbling Data Operation". The article states "tate party officials, who manage their states' voter files, were initially reluctant to give up control of the party's most precious

resource" and "The data exchange would merely track who's giving and taking what information and build the pipes that connect the data sets."

580.   A 2/16/24 job posting on Movement Builders from the Democratic Data Exchange, it describes the Movement Infrastructure Working Group's API for sharing data between tools used by campaigns stating ""MIG is developing infrastructure in the form of APIs and a data application layer to make it possible for organizations and campaigns to move data to all destinations across the progressive ecosystem."

581.   In a Google document 10:45 Oct 25, 2021 shared by Santiago Martinez from Arena titled "DDx OVERVIEW 2021-2022", it discusses the synchronization aspects of the product "allowing programs to seamlessly sync voter data with DDx during and between election cycles."

V.D.1.k.4   DaisyChain

582.   On 8/16/2022 Nathan Woodhull posted on Twitter that he was "Launching something new! Daisychain is an organizing platform that integrates the political tech stack". Woodhull founded DaisyChain with Jon Warnow.

583.   At this point the culpable person Woodhull merged with DaisyChain.

584.   Woodhull states "We're aspiring to integrate with just about everything, but we're prioritizing by integrating with the tools early folks are interested in." Woodhull began building a library of Ruby based connectors for political applications and platforms.

585.   Based on examining the HTML source of a response to an HTTP POST on DaisyChain's login page https://go.daisychain.app/users/sign_in, the following CSS code is returned:

```
.rails-default-error-page {
    background-color: #EFEFEF;
    color: #2E2F30;
    text-align: center;
    font-family: arial, sans-serif;
    margin: 0;
}
```

586.   This indicates that DaisyChain is a Ruby on Rails application. Therefore DaisyChain can reuse the library of Ruby connectors that Woodhull started building in 2013, and thus has a head start.

587.   On 7/6/2023 Higher Ground Labs announced their 2023 Accelerator Companies, which included DaisyChain. Woodhull initially sought venture capital from New Media Ventures in 2013 to build an integration platform, which would not have been a viable business with OSDI's external network effect in place.

588.   With the destruction of OSDI and its network effect, DaisyChain can compete based on the economy of scale of connectors for different systems. DaisyChain's head start comes from the library of connectors Woodhull began building in 2013, but competitors will have to start from zero.

589.   Since DaisyChain is backed and funded by venture capital including Higher Ground Labs, it can afford to spend resources on duplicative work.

590.   On 10/18/2023, Nathan Woodhull is interviewed on The Great Battlefield podcast

regarding DaisyChain. Woodhull discusses the inefficiency and how it creates an opportunity for DaisyChain.

591.   📍 Podcast ⏱ 10/18/23 ⏲ 2023-10-18 5:52pm "Integrating and Connecting Political Organizing Data with Jon and Nathan of Daisychain" [T262] 🎤 Nathaniel G. Pearlman, The Great Battlefield; 👤 Nathan

592.   📍 👤 Spk3 ⏲ +51:12 [T262]

> So for example, we have customers using... Action Network for digital tools and then Bonterra products for other parts of their organizing in the field stuff. And those two tools really don't integrate well. Action Network and mobilize should, in my view, integrate much better than they do. But like they don't for essentially political reasons

593.   But for the destruction of OSDI and its external network effect, Action Network could use the client side OSDI connector it built and used to integrate with VAN to serve AFL-CIO, with Mobilize.

594.   Woodhull is concealing his participation in the racketeering conspiracies have exacerbated the problem he is citing.

595.   📍 👤 Natha ⏲ +51:39 [T262]

> So I think because of that some of the ways in which that plays out, it actually does create a role for us to be sort of like a way that organizations can still stitch things together.

596.   📍 👤 Natha ⏲ +55:27 [T262]

> We're trying to like, figure out a way to sort of be this glue piece to be a way to help people sort of stitch things together.

597.   In both statements, Woodhull describes the opportunity to compete based on a library of proprietary connectors, which is an economy of scale. The opportunity was created by Defendants' racketeering activity and extortion. The VCs were unwilling to fund synchronizer applications until they could compete based on an economy of scale.

598.   On 12/11/2013 Via email, Woodhull originally shared his plan to secure venture capital for a universal adapter that leverages the same kind of inefficiency. [D1991] Due to Plaintiff's labor, proficiency, and OSDI's success, his goal of seeking funding for this type of product was delayed 10 years.

V.D.2   Plus Factors

V.D.2.a   Evidence of motive to enter a conspiracy.

V.D.2.a.1   Nathan Woodhull

599.   Nathan Woodhull began building a library of connectors for proprietary CRM APIs. [D648?] He also shared his plan to seek funding from VC New Media Ventures to build a "universal adapter."

600.   Plaintiff, OSDI and its external network effect were an obstacle to the exchange approach because only one connector would be needed.

601.   Since he was serving the interests of venture capitalists, he had means to recruit others

to join the conspiracy.

602.   08/16/22 2:15pm Nathan Woodhull posted on Twitter that he was "Launching something new! Daisychain is an organizing platform that integrates the political tech stack". Woodhull founded DaisyChain with Jon Warnow. [D1907]

603.   07/06/23 Higher Ground Labs announces its 2023 cohort including DaisyChain [D1949] Woodhull accomplished his goal of securing venture capital for an integration platform.

V.D.2.a.2   Action Squared

604.   During the early racketeering, on 8/20/14, via Google Chat [D420], Jason Rosenbaum/Action Network stated their goal of becoming one of two widely used progressive APIs. That would implicitly mean one of two dominant platforms.

605.   That is the opposite of OSDI's mission to serve as a standard API and external network effect.

606.   Later, Jason Rosenbaum began changing the apparent authorship of the OSDI spec which made it appear to be his work.

607.   AFL-CIO had motive to participate, since it was frustrated with gatekeeper powers possessed by the DNC and NGPVAN.

608.   Action Squared has motive to conceal their actions because an essential element of their success depends on exploitation of a minority's labor, proficiency, and retirement savings, and misappropriating Plaintiff's work. As a labor union, the AFL-CIO portrays its mission as preventing exploitation and thus has motive to conceal its actions to conceal its hypocrisy.

V.D.2.a.3   MoveOn.org

609.   MoveOn benefited from the racketeering by making use of OSDI in its internal tools, which gave it a head start on interoperability. [T23]

610.   MoveOn is the largest funder of The Movement Cooperative, which controls Parsons. Parsons serves as a universal adapter for platforms and political CRMs. But for the racketeering, the primary appeal of Parsons would not be present.

V.D.2.a.4   Sonya Reynolds/Colibri

611.   Colibri joined OSDI in 2017. Around the same time as Plaintiff was pitched by Dimitri Mehlhorn in summer 2017, Josh Nussbaum, the founder of The Movement Cooperative (TMC) contacted Plaintiff, seeking to discuss his plans. While serving as Chair of OSDI, Sonya led a proposal to set the end time of officer positions to January 31, 2019. At the same time as she resigned, she began employment at TMC.

612.   TMC benefited from the racketeering because its Parson synchronizer project gained the artificial inefficiency that wouldn't be possible, but for the destruction of OSDI and its external network effect.

V.D.2.a.5   DNC

613.   The DNC has a history of using control over essential resources for candidates running for election in order to give its incumbent or otherwise favored candidates an unfair

advantage.

614. During the Data War, Reid Hoffman's Alloy Voter File project was also an external network effect because it would provide its services without party control. According to Politico, on 12/10/18, "The DNC s top leaders have been telling people that Hoffman s project represents an existential threat" to the party, according to two sources with knowledge of the discussions." [**583?**]

615. OSDI functioned as an external network effect, and from the application ecosystem point of view, would represent the same kind of threat.

616. But for the racketeering and extortion that it participated in, application ecosystems would not be an economy of scale that could be controlled to serve that purpose.

V.D.2.a.6   Higher Ground Labs

617. Higher Ground Labs had motive to use OSDI to give its portfolio companies a head start, which it did. The portfolio companies that benefited from OSDI include New/Mode, Mobilize, and Bluelink.

618. In August 2017, Dimitri Mehlhorn, Hoffman's political director, met with Plaintiff [D672] proposing to fund OSDI to be used according to a vision he shared with Plaintiff. The vision was similar to the paper Dimitri had co-authored at Harvard [**D1867?**] The vision resembled a platform that served as a universal adapter.

619. Higher Ground Labs has motive to conceal its actions from its funder, Reid Hoffman.

V.D.2.a.7   Ragtag

620. RagTag's leader, Brady Kriss introduced Plaintiff to Reid Hoffman's political director, Dimitri Mehlhorn in July 2017 [D672], stating "I personally think it would be rad to get some funding into OSDI itself, or to get some funding for Ragtag to manage people to work on OSDI stuff, or something along those lines."

621. RagTag evolved from Dev Progress, the volunteer developer team for Hillary for America and the DNC during the 2016 election, where Gerard Niemira worked.

V.D.2.a.8   Broadstripes

622. Broadstripes main customer based is labor customers. According to Tim Holo-han/Broadstripes, the company had been the victim of retaliation at the hands of the AFL-CIO due to its support of a candidate disfavored by the AFL-CIO. [**T20?**]

V.D.2.a.9   Netroots Nation / DailyKOS

623. Had the early racketeering in 2014 succeeded Netroots Nation would have gained a share of control over Action Network and AFL-CIO's proprietary ecosystem by misappropriating OSDI.

624. Since that failed, Netroots Nation had motive to participate in the racketeering and extortion to misappropriate OSDI.

625. Netroots Nation gained a share of dominant control of the Action Squared platform as a keystone partner.

626.   Netroots Nation also gained a seat on the advisory board for Higher Ground Labs.

627.   An essential component of Defendants' schemes was concealing the misappropriation and wire fraud to fabricate false origin stories for the misappropriated IP. Both occurred during sessions at Netroots Nation 2017, 2018, 2019, 2020.

628.   Therefore, Netroots Nation had motive to participate in the use of false accusations to justify excluding Plaintiff from those events.

V.D.2.a.10   Gerard Niemira / Lightrail / Bluelink

629.   Gerard Niemira sought and received venture capital for GroundBase as part of Higher Ground Labs initial cohort in 2017.

630.   He and his team then began building a series of applications, all of which failed, except Lightrail. Lightrail exploited OSDI's application ecosystem and essential IP.

V.D.2.a.11   The Motive for coercion

631.   The Campaign participants who participated in OSDI knew that the mission of OSDI was an external network effect.

632.   At any point, the Campaign participants could have made a motion to remove Plaintiff and secured a majority vote to remove Plaintiff from his position or the project, which they never did. Plaintiff would have accepted that because it would have preserved the external network effect as well as his property rights.

633.   However, that would not have allowed Defendants to achieve the outcome that they did. To achive the outcomes they are benefiting from, Defendants needed to separate the OSDI application ecosystem from its governance policy and structure which made it a level playing field. To use it for their own proprietary interests, they also needed control over the essential IP in the specification. Since the bulk of that is Plaintiff's authorship, they needed to gain control over Plaintiff's copyrights.

634.   Defendants knew Plaintiff would never agree to what they wanted.

635.   As a result, they needed resort to coercion and fraud.

V.D.2.b   Evidence of Conspiracy

636.   In April 2018, after the Order of Discontinuance for Cohen v. Swirling, Brian Young arranged a meeting with Plaintiff, demanding that Plaintiff resign. Young stated that he was speaking on behalf of the DNC, MoveOn and AFL-CIO.

637.   Plaintiff insisted that Action Network keep its commitment to democracy. Eg, if they wanted to remove Plaintiff, they would need to make a motion and take a vote.

638.   On 5/30/2018, Plaintiff and Jason Rosenbaum/Action Network met via telephone. Rosenbaum also attempted to coerce Plaintiff to resign, which Plaintiff refused.

639.   Plaintiff asked Rosenbaum to confirm that Action Network was speaking on behalf of the DNC, MoveOn and possible others. Rosenbaum replied "A few organizations have called him to express their positions, so he's relaying that information. That's true. Yeah."

640.   During Cohen v. Swirling, on 2/12/2018 Defendant filed a Letter Motion to Dismiss and

posted the tweetstorm simultaneously. Via email, Adriel Hampton stated to Plaintiff "There is an organized campaign to get OSDI affiliates to repudiate you - a former colleague contacted me asking me to call for your ouster as chair" and that he was contacted by a friend of Swirling.

641.   At the end of the racketeering to operate phase, Plaintiff was unwilling to vote for proposals such as deleting the master branch or consolidation of power by RagTag. The proxies Broadstripes, RagTag and Colibri resigned their positions.

642.   On 2/01/2019, Plaintiff met with Tim Holohan/Broadstripes via telephone. Holohan told Plaintiff "you are now at a parting of the ways with people who are more important than me, people less willing to talk to you about it."

643.   Plaintiff was at a parting of ways after he refused to agree to proposal that would facilitate the outcomes Defendants achieved. Plaintiff does not know who Holohan was referring to or how powerful they are.

V.D.2.c   Parallel Conduct

V.D.2.c.1   Beginning of OSDI

644.   During the early racketeering, Woodhull, Action Network, Broadstripes (proxy for AFL-CIO), and Netroots Nation prepare to gain control of OSDI in summer 2014.

645.   Plaintiff was referred to Nathan Woodhull by VC New Media Ventures in 2012. The project kickoff occurred at RootsCamp in November 2012, and committee meetings commenced in 2013. In July 2013, Plaintiff began drafting OSDI's governance policy, which included the "progressive keel", which was approved by vote on 8/1/2013. [**D239?**] This was subsequently exploited as a vulnerability in an attempt by Action Network to undermine the project and gain control.

- 7/22/2013 Nathan Woodhull discusses with Plaintiff the library of proprietary connectors he is building [**D648?**]

- 8/01/2013 OSDI's governance policy and "progressive keel" are approved by vote

- 8/05/2013 Nathan Woodhull introduces Plaintiff to Nate Thames, linking ActBlue to the conspiracy [**D1043?**]

- 8/06/2013 Nathan Woodhull introduces Plaintiff to Zack Exley, linking MoveOn.org to the conspiracy [**D624?**]

- 9/07/2013 Beth Becker introduces Action Network to Plaintiff and OSDI [**D1960?**]

- 11/04/2013 Action Network joins OSDI [D208]

- 12/11/2013, Via email to Plaintiff [D1991], Woodhull shares his plan to seek funding from VC New Media Ventures to build a "universal adapter."

- 4/04/2014 Action Network launches their OSDI implementation [**D403?**]

- 4/21/2014 Broadstripes is approved as an OSDI member [**D2002?**]

- 5/02/2014 Netroots Nation is approved as an OSDI member [**D1962?**]

- 7/02/2014 New Media Ventures partners with Netroots Nation on their yearly "New Tools Shootout" beginning on or before Netroots Nation 2014. Plaintiff has email announcements from Mary Rickles on 07/02/14. [**D1992?**]

- 7/18/2014 Netroots Nation 2014 OSDI Tech and Data Caucus occurs.

- 8/20/2014 NGPVAN Launches their proprietary API, taking the proprietary path. [**D424?**]

- 8/20/2014 Action Network states its goal of becoming one of two widely used progressive APIs.

V.D.2.c.2   Origin of Extortion and DNC Unity Reform Commission

646.   The origin of the extortion coincides with OSDI achieving a 2x ROI due to NGPVAN's implementation, and the aftermath of the Data Breach in December 2015 where the Bernie Sanders campaign was locked out of NGPVAN. Access to tech as well as alleged favoritism by the DNC towards Hillary Clinton resulted in the DNC forming the Unity Reform Commission at the DNC 2016 Convention in Philadelphia. It was common knowledge that a struggle over technology assets would ensue.

- 9/9/2015 NGPVAN launches its OSDI implementation. This creates a 2x return on investment for application integrators. [D312]

- Netroots Nation participated in the beginning of the extortion at Netroots Nation 2016, and the follow-on Working our Values google group. Plaintiff was lured by Beth Becker [D1608], who serves as a digital trainer at Netroots Nation to the session and follow on google group. Within the same 24 hours, Mike Rogers [D375], leader of Netroots Nation LGBT pre-conference, insisted that Plaintiff make him fiscal sponsor of OSDI.

- 7/23/2016 DNC creates Unity Reform Commission to address issues which arose in the 2016 election including the data breach. The need to create the commission motivated the subsequent data war. [D1481]

- 7/25/2016 Plaintiff is added to Working Our Values Google Group [D1704]

- 8/09/2016 Plaintiff seeks help from Kevin Jennings who schedules a meeting. [D892]

- 8/25/2016 Swirling posts "introductions" thread with Brian Young in attendance list [D92]

- 9/02/2016 Plaintiff's first therapy session

- 9/14/16 a group participant stated "I contacted Mary Rickles at Netroots Nation and she directed me to their safe space policy... " and then "Here is the answer I got from Mary Rickles at Netroots Nation about procedures for reporting incidents" [D423]

- 9/16/2016 Swirling threatens to publicly falsely portray Plaintiff as an example of violence and sexual harassment of women [D557]

- 11/20/2016 Plaintiff attempts dialog to de-escalate the conflict and walks into ambush at Rootscamp 2016 where Swirling announces "A man has entered the room who has engaged in repeated violence, persistent harassment and invaded our spaces" [D44]

- 11/20/2016 With Plaintiff absent from the OSDI session, a secondary attack took place to gain control of the OSDI project, claiming that Plaintiff had been banned from Rootscamp. [D1441]

- 1/24/2017 Kevin Jennings cancels meeting with Plaintiff [D1340]

- 4/30/2017 Plaintiff counsel begins negotiation with Wellstone and resolves conflict on May 11th. [D323]

- 5/04/2017 RagTag joins OSDI [D1999] RagTag would serve as a proxy for Higher Ground Labs 5/09/2017 Sonya Reynolds/Colibri joins OSDI [D1998] Colibri would serve as a proxy for The Movement Cooperative

647.   The following diagram shows a timeline of the parallel conduct.

Parallel Conduct
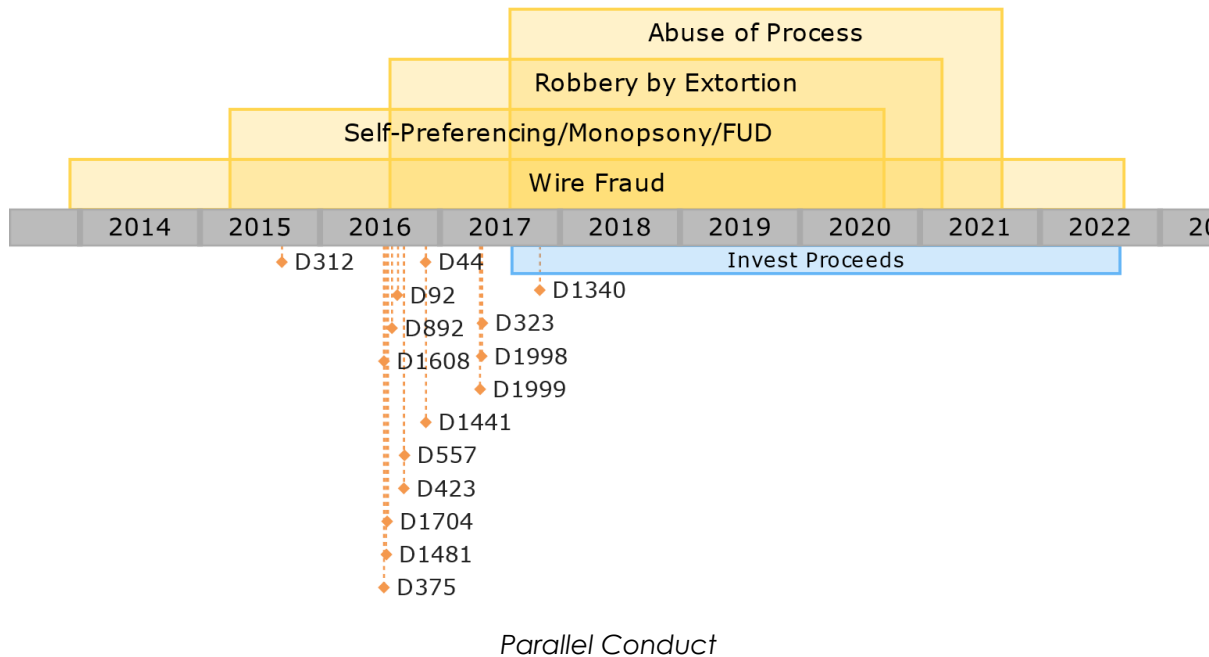
V.D.2.c.3   Racketeering to Operate

648.   The Campaign's racketeering conspiracy to operate OSDI from February 2018 to February 2019 takes place on the back stage. In parallel, the Data War takes place on the front stage.

V.D.2.c.3.1   Front Stage

649.   August 23-25 2018, DNC Summer Meetings in Chicago [D1990]

- 12/06/2018 Politico reports "We have a crisis: Democrats at war over trove of voter data" [D581]

- 12/10/2018 Politico reports "LinkedIn co-founder backs $35 million voter data project in 'existential threat' to Democratic Party" [D583] which was named "Alloy."

- 12/16/2018 Politico reports that DNC Chair Tom Perez "threatened to cut off access to campaign tech tools like VoteBuilder, an online organizing platform, if state parties go forward with their plan" referring to Reid Hoffman's Alloy. The state parties "would have to find a replacement for VoteBuilder either building or buying as the DNC has sole rights to the platform..." [D1283]

- 01/17/2019 Acronym acquired Groundbase [D1571] and renamed it "Shadow"

- According to news site "grayzone", Acronym was also funded by Reid Hoffman, and helped to create Courier Newsroom, which evolved from experiments including the Alabama disinformation campaigns. [D1498]

- 01/17/19 Shadow publishes blog post [D1311] "Introducing The Shadow Party" which outlines what would become Lightrail.

- 2/3/2019 Burlington press reports "Howard Dean to head new Democratic voter data exchange" [D588]

V.D.2.c.3.2   Back Stage

- 8/01/2018 Proxies Colibri and RagTag set OSDI Officer terms to end January 31, 2019, which coincide with DNC Winter Meetings. [D490]

- 9/09/2018 Proxies begin referring to OSDI as OpenSupporter, and install "StaleBot" which automatically closes issues, creating the appearance of inactivity. [D695]

- 12/19/2018 Ragtag proposes GitHub Pull Request "Adding Gemfile" which contains superfluous commits, fraudulently creating the appearance that RagTag was a significant contributor to the project. [D679]

- 12/19/2018 During committee meeting, RagTag proposes "To reduce confusion, can we remove the master branch?" This would delete the underlying work, Plaintiff's contributions and misrepresent the authorship of the OSDI Spec. [D658]

- 1/15/2019 Proxies conduct review and update of OSDI's Governance policy attempting to allow "sublicensing" and consolidating officer positions [D1249]

- 1/16/2019 Proxy Colibri/Sonya Reynolds states "2019 is going to be a big year and brings a lot of opportunity for wider adoption of the shared spec!" [D657]

- 1/25/2019 Proxies Colibri, RagTag and Broadstripes resign their governance positions, state that they will continue to participate in technical committee meetings, but instead break contact. [D369]

- In February 2019, Sonya Reynolds begins employment at The Movement Cooperative. [D1997]

650.   The following diagram shows a timeline of the parallel conduct comparing front stage Data War activity with back stage racketeering to operate OSDI.
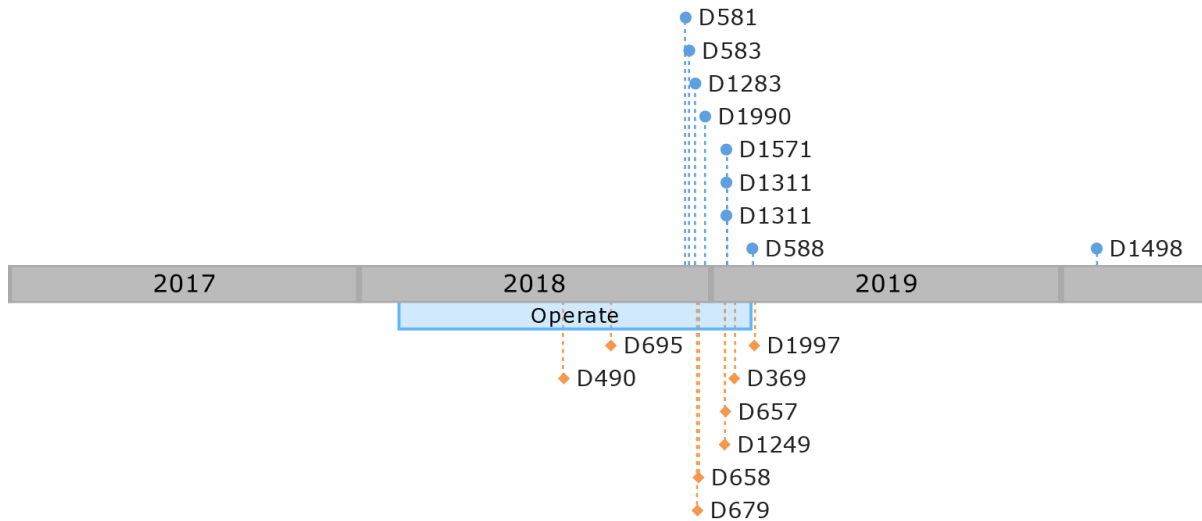
Parallel Conduct

V.D.2.c.4   Netroots Nation 2019

V.D.2.c.4.1   Front Stage

651.   D1648 07/12/19 Netroots Nation 2019 session "DON'T PUT DIGITAL IN THE CORNER: WHY EVERY DEPARTMENT SHOULD BE USING DIGITAL TOOLS..." led by Gerard Niemira.

652.   7/11/2019 Netroots Nation 2019 session "This Is How We Win: A First Look at Action Builder" Action Builder is released on or before this date. [D1759]

653.   7/12/2019 Netroots Nation 2019 session "TECH FOR THE MOVEMENT, NOT THE BILLION-AIRES" [D493] This session was led by Brian Young/Action Network, Ann Lewis/MoveOn, Josh Nussbaum/The Movement Cooperative campaign hosted at Netroots Nation 2019.

654.   D1199 07/17/19 Gerard Niemira announces Lightrail's release during Netroots Nation 2019 "Last week we launched Lightrail and Shadow Messaging. Learn more about why we built a universal adapter for political data and technology" [**D1651?**]

V.D.2.c.4.2   Back Stage

655.   On 6/24/2019, Plaintiff received a notification that his registration to Netroots Nation 2019 was cancelled and refunded. [D103]

656.   On 7/11/2019 Plaintiff attempts to register on-site for Netroots Nation 2019 and is refused. Plaintiff asked to talk with the leaders to understand why, but was refused. Staffers coerce the police to remove Plaintiff from the public lobby even though he was not creating a disturbance, thus preventing Plaintiff from discovery. On 7/13/19 Plaintiff is terrorized on sidewalk outside Netroots Nation 2019 with "Josh Cohen sexually harasses women..." Witness Affidavit [D164] "Oh, I know who you are. You re Josh Cohen. You sexually harass women. He kept repeating the statement: Josh Cohen sexually harasses women."

657.   On 7/16/2019 Skyler Duveen/MoveOn.org praises Plaintiff's source code contribution to

MoveOn Spoke implementing an OSDI connector ""This PR creates a fantastic external API that will help other programs interface with Spoke -- it's breadth is excellent" and encourage Plaintiff to continue the work, which Plaintiff did. MoveOn was actively misleading Plaintiff. [D386]
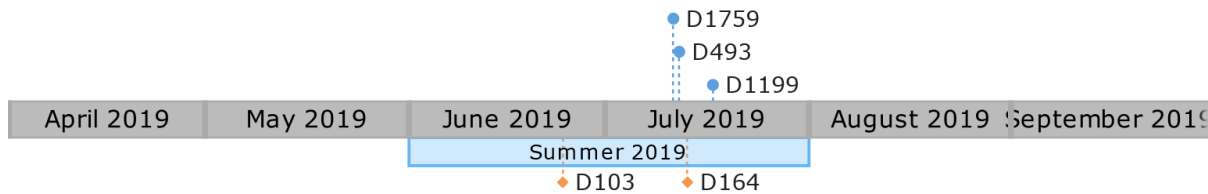
Parallel Conduct

V.D.2.d   Endgame

V.D.2.d.1   Front Stage

- On 3/11/2020 Via the web, Action Squared announces vertical agreement with DNC and adds DNC as a development partner. [D499]

- On 12/02/2020, Action Network announces its Partner Integration Program, treating OSDI as its proprietary API and ecosystem. This was just over the 4 year statute of limitations for the ambush at Rootscamp 2016 where Swirling announced to a room "A man had entered the room who has engaged in repeated violence and persistent harassment of women...", which was the basis of the claim in Cohen v. Swirling. [D449]

- January 2021 According to LinkedIn, Gerard Niemira begins employment at PDI serving as Chief Product Officer. [D1377]

- February 2021 According to LinkedIn, Chris Goddard begins employment at PDI serving as Senior Product Manager. [D534]

- 05/11/21 Civitech announces that it acquired Alloy, Reid Hoffman's voter file project. [D1979]

- 06/21/21 Higher Ground Labs announces their 2021 cohort including Bluelink. [D1335]

- 06/22/21 Via the web, Action Network announces the merging of products Action Network and Action Builder, continuing its platform disintermediation play. "At Action Network amp; Action Builder, we re uniting the two into a seamless powerbuilding model" [D830]

- 08/12/21 Bluelink's infringement becomes discoverable. [D1252]

- 01/12/22 Reported by Axios, Civitech raises $10 million in funding from Higher Ground Labs. [D1961]

- 2/25/2022 The last archived web page of PDI's BlueVote Integrations page shows only 2 integrations, ThruText and Organizer. [D488] Had PDI been able to implement OSDI, it would have competed at the level of the market. It would have had compatibility with the applications listed above.

- 02/23/22 Via web, Action Builder launches its API stating "We built the API in collaboration with the AFL-CIO and organizers on the ground." which is false. Action Builder's API was largely built by Plaintiff. [D1767]

- May 2022 According to LinkedIn Chris Goddard leaves PDI. [D534]

- June 2022 According to Linkedin, Gerard Niemira leaves PDI and joins Higher Ground Labs as "Managing Director, Fund IV" [D1377]

- 06/17/22 Civitech acquires Bluelink. [D1562]

- 08/16/22 Nathan Woodhull posted on Twitter that he was "Launching something new! Daisy-chain is an organizing platform that integrates the political tech stack". Woodhull founded DaisyChain with Jon Warnow. [D1907]

- 07/06/23 As Higher Ground Labs Managing Director Gerard Niemira announces its 2023 cohort including DaisyChain [D1949]

V.D.2.d.2   Back Stage

- 12/03/20 Chris Goddard, Data Engineering and Reporting Director at the DCCC emails Plaintiff asking "I would really love the opportunity to talk to you about your experience in creating [OSDI]" [D391]

- 1/11/2021 An issue is opened on OSDI's GitHub repository, where Jason Rosenbaum states "this project is somewhat defunct" [D532]

- 2/8/2021 The GitHub conversation continues, with Joe McLaughlin stating "Unless and until you make a clean break from the OSDI project and the organization, such as it exists now, and I'm not sure that it does exist, I have little reason to believe that any additional organizations will implement any of the OSDI spec." [D531]
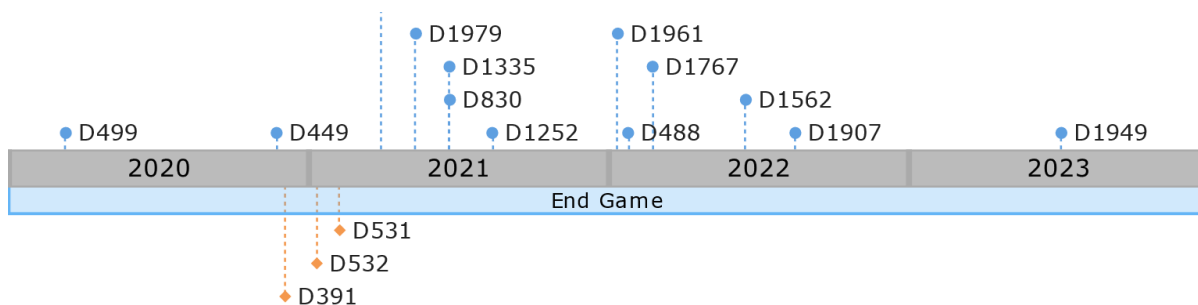
Parallel Conduct

V.D.3   Plaintiff's Antitrust Standing

V.D.3.a   Defendants' Conduct Affects Competition in Genera

658.   As described in the *Anticompetitive Effects* section of this complaint, Defendants conduct affects competition within the market.

V.D.3.b   Plaintiff's Antitrust Injuries

659.   Plaintiff's antitrust injury arises from the fact that the outcomes Defendant's achieved required misappropriation of Plaintiff's IP in the form of copyright authorship and the application ecosystem, which is an economy of scale largely built by Plaintiff's labor and evangelism.

660.   The API's for Action Squared and Civitech's are OSDI disguised as their own APIs. The head start they gained is largely the result of Plaintiff's labor, intellectual property, and evangelism.

661.   Defendants also fraudulently induced Plaintiff's labor from the outset of the project, by agreeing to terms to build an external network effect. Plaintiff would not have performed the labor, or funded it by liquidating assets in his retirement savings.

V.D.3.b.1   Intellectual Property Damage

662.   The effect of Campaign's racketeering activity included the destruction of OSDI's External Network Effect and misappropriating the Intellectual Property, including copyright authorship aka OSDI IP and laundering it into proprietary API's including products Action Network, Action Builder and Civitech, which are proprietary, similar but incompatible "forks" of OSDI.

663.   The Campaign beginning with Nathan Woodhull and Action Network fraudulently induced Plaintiff's labor by agreeing to terms, telling Plaintiff what he needed to hear, while concealing facts that would have led Plaintiff to discover their use of the OSDI IP as their own. To fund his time and labor, Plaintiff liquidated assets in his retirement savings. The majority were shares of Microsoft stock he had earned from his work at Microsoft. Given the probable rise in stock price, which did occur, Plaintiff knew he was "leaving money on the table", however, he believed that creating an External Network Effect was a good cause that helped everyone as much as it helped himself.

664.   But for this deception, Plaintiff would not have continued to liquidate assets in his retirement savings to fund his performance the labor that was creating the OSDI IP and the value that was misappropriated.

V.D.3.b.2   Fraudulent Inducement

665.   Defendants were fraudulently inducing Plaintiff's labor from the outset of the project (Nathan Woodhull), and when Action Network joined in November 2013 (Jason Rosenbaum, Director of Technology)

666.   After a series of increasingly complex schemes through 2016 failed to undermine the project, with the looming Data War, Defendants escalated to extortion.

V.D.3.b.3   Extortion Injuries

667.   Defendants engineered an extortion scheme that endangered Plaintiff's business property and safety, creating an intolerable and dangerous situation to facilitate coercion, which began in mid 2016. This has a damaging effect on Plaintiff's mental health as well, which required therapy. This healthcare began in August 2016, which coincides with the beginning of the extortion, with at least 38 sessions throughout the scheme.

V.D.3.c   Defendants Conspiracies are Open Ended

668.   But for Defendants' unlawful conduct, the outcomes they achieved would not be possible because they require the destruction of OSDI and it's external effect.

669.   As demonstrated above, Defendants were only able to stop the external network

effect by gaining control of the project using racketeering and extortion because they couldn't compete fairly with Plaintiff.

670.   But for Defendants' actions to exclude Plaintiff from conferences and other industry spaces, they would not be able to prevent the external network effect from returning.

VI CLAIMS

VI.A   Count 1 NY State Fraudulent Inducement

671.   MoveOn joined OSDI in October 2017. This was after OSDI became valuable enough to misappropriate, had become a threat to Defendants' racketeering goals, and after Defendants knew they succeeded at provoking Cohen v. Swirling.

672.   MoveOn began active misleading on 2/12 leading Plaintiff to believe MoveOn was interested in the goals of the project. They did this by creating a set of OSDI work items in their Spoke project, which attracted Plaintiff to contribute.

673.   In parallel, the abuse of litigation privilege remained published on twitter, inflicting unjust harm, especially due to the concealment of Plaintiff's sexual orientation, which added coercion.

674.   On 2/20/2018, at lunch, MoveOn attempted to coerce Plaintiff to resign and make blanket apology to the allegations in the tweetstorm.

675.   On 2/21/2018, via Github and email MoveOn began attempted convince Plaintiff to agree to an open source license by portraying the lack of one as an obstacle to MoveOn's participation.

676.   Plaintiff refused and proposed the W3C license instead.

677.   After this was agreed to, MoveOn didn't participate in OSDI, though it continued the active misleading until they broke contact. MoveOn also benefited from use of OSDI in its internal tools.

678.   But for MoveOn's purported rationale and surrounding coercion, Plaintiff wouldn't have agreed to any copyright license.

VI.B   Count 2 RICO 1962(a) Invest Proceeds into Enterprise Action Squared

679.   In the alternative, RICO 1962(d) Conspiracy to commit 1962(a)

680.   Title 18, 1962(a), 3551 Conspiracy, 2319 Copyright Infringement, 1343 Wire Fraud, 1951 Extortion.

681.   This Count is against Defendants Nathan Woodhull, Action Network, AFL-CIO, MoveOn, Netroots Nation.

682.   Action Squared a joint venture between Action Network and AFL-CIO constitute an enterprise engaged in and whose activities affect interstate commerce.

683.   The culpable persons are Nathan Woodhull, AFL-CIO (Jeff Mann) and Action Network (Jason Rosenbaum and Brian Young), MoveOn (Skyler Duveen)

684.   The Defendants used and invested income that was derived from a pattern of racketeering activity in an interstate enterprise. Specifically:

685.   Action Network joined the OSDI project in November 2013, agreeing to OSDI's governance structure. Plaintiff relied on those agreements making his decision to fund the work by liquidating assets in his retirement savings for OSDI and a sole-proprietorship dependent on a level playing field.

686.   It implemented OSDI using source code provided by Plaintiff, and copied parts of the OSDI specification into its product documentation. It then sowed discontent and incited conflict, leading NGPVAN to build its own proprietary API in conjunction with the DNC which was released in August 2014. Plaintiff discovered the scheme and reversed it, securing an implementation commitment from NGPVAN.

687.   From this point forward Action Network and a growing conspiracy including Defendants and co-conspirators continued their attempts to incite conflict to collapse OSDI's coalition, as well as preventing their platform competitors from gaining similar benefit.

688.   An overview of the schemes:

- After joining in November 2013, Action Network attempted to undermine the project in summar 2014.

- In 2015 Action Network attempted to exploit the membership of Accurate Append to achieve a similar effect.

- In early 2016, Defendants began a scheme combined exploiting a self-preferencing technical architecture in NGPVAN's implementation to ensure its proprietary API would stay ahead of its OSDI implementation feature-wise. They used AFL-CIO's monopsony power to influence NGPVAN's resource allocation, and FUD to discourage application vendors from trusting NGPVAN's OSDI implementation.

- In Summer 2016, Defendants incited a conflict using Action Network's former employee, Siwrling, to invoke #metoo to apply "the man's side doesnt matter" and engage in extortion.

- In Summer 2017, Defendants continued the above scheme until they provoked Cohen v. Swirling. From the outset of the OSDI Project, which was founded after the 2012 election, Defendants agreed to a democratically governed external network effect.

689.   Defendants engaged in a pattern of wire fraud to fraudulently exploit Plaintiff's labor, proficiency and retirement savings to create valuable intellectual property in the form of Copyright Authorship of an API specification, and an economy of scale in the form of compliant applications.

690.   In parallel, Defendants engaged in Wire Fraud to misrepresent the authorship and pass it off as the work of Action Network.

691.   Wire Fraud Action Network: On 8/20/2014 via SMS chat Rosenbaum states "Though that's a long term project. I'd settle for being one of two for now... Two widely used progressive Apis" Rosenbaum is encouraging Plaintiff to accept this outcome, with Action Network using OSDI as its API and NGPVAN using its own proprietary API. Rosen-

baum is concealing his own part in causing it. {D420: i}

692.   Wire Fraud Action Network: Between October 2014 and March 2015, Rosenbaum made 99 commits to the specification, many of which were reformatting, re-indenting, or copying and pasting existing authorship that changed the GitHub blame view to attribute authorship to himself. Rosenbaum's rationale was to reformat the specification in preparation for a Labor Committee, which never materialized.

693.   Wire Fraud Action Network: Wire Fraud to conceal DMCA 1201 Violations or make the work appear to be his when viewed in GitHub blame mode. Plaintiff is the author of Person Signup Helper. Rosenbaum copies and pastes the authorship in to a new file and labels it "first draft".

694.   Wire Fraud Action Network: On 3/16/2016, via email, Rosenbaum stated "I had a call with the AFL yesterday, so they're prepped to put on pressure to accept the PR if we need it. Gotta figure out the free work problem though..."

695.   Rosenbaum's portrays the "free work problem" as NGPVAN benefitting from Plaintiff's labor. However, it is Action Network and the AFL-CIO who was benefitting.

696.   Rosenbaum encourages Plaintiff to seek compensation from NGPVAN, which he did seek. NGPVA's response was negative. Given that Action Network and AFL-CIO were the beneficiaries of Plaintiff's labor, they should have been the ones compensating Plaintiff.

697.   Action Network's use of Jeff Mann is an example of how they used AFL-CIO's monopsony power to influence NGPVAN's resource allocation to exploit the self-preferencing architecture.

698.   Extortion or in the alternative Wire Fraud Nathan Woodhull: In an email thread beginning on 2/12/2018, via Email, Nathan Woodhull furthers the conspiracy to commit Robbery by Extortion by continuing the false portrayal of Plaintiff as a presumably heteronormative male who engaged in sexual harassment of women.

699.   Via email, Plaintiff asked Woodhull about Swirlng's omission of Plaintiff's sexual orientation. Woodhull response included "Of course she's not being fair" indicates that he knows it is deceptive and rationalized it due to the occurrence of Cohen v. Swirling. He also states "You've decided to escalate a conflict with a professional activist who is better at comms than you are." which equates deception and "comms".

700.   In the conversation below, Woodhull repeatedly implies that Plaintiff didn't attempt to negotiate or de-escalate the conflict. Plaintiff did so repeatedly. Defendants provoked the lawsuit because Plaintiff's skill at negotiation allowed him to find compromises to de-escalate the conflicts they were inciting in their efforts to undermine the OSDI project to achieve their goals.

701.   Extortion AFL-CIO: On 2/20/2018, Jeff Mann/AFL-CIO along with Martha Grant/Action Network and others used the AFL-CIO's monopsony power to coerce other OSDI participants to either vote Plaintiff out of his position, or help destroy the project by leaving.

702.   Wire Fraud Nathan Woodhull: On 6/2/2020, Nathan Woodhull posts a message to to OSDI Slack, which references his GitHub repository published on or before 5/6/2020 that falsely portray OSDI as the Action Network REST API, thus furthering the conspiracy to in-

vest proceeds. Woodhull's library can be found on GitHub.

703.　　**Extortion Property or Wire Fraud**　Action Network: On 11/23/2020 Via its website, Action Network announced its Integration Partnerships Program, which treats the OSDI IP as its own.

704.　　**Wire Fraud**　AFL-CIO: Between July and September 2020, Jeff Mann/AFL-CIO made a series of commits to MoveOn Spoke which furthered the conspiracy to remove the external network effect and replace it with proprietary connectors to facilitate walled gardens and gatekeeper powers.

705.　　**Extortion**　Action Network: During a telephone call with Jason Rosenbaum on 5/30/2018, Rosenbaum acknowledges that the tweetstorm on 2/12/2018 was fraud. Rosenbaum then attempts to coerce Plaintiff to resign by citing the unjust harm done to the project and to Plaintiff's reputation.

706.　　🔊 Audio ⏱ 05/30/18 ⏱ 2018-05-30 11:11pm "Telephone Call Jason Rosenbaum, Josh Cohen" [T23] 🎙 My Recording; 👤 Jason; 👤 Josh

707.　　Jason Rosenbaum concedes that Plaintiff's behavior was within norms and that the unjustly harmful accusation that Plaintiff harassed Rosenbaum's former employee was false.

708.　　🔊 👤 Josh ⏱ +11:00 [T23]

　　　　To the extent I am guilty of anything it is unruly and disobedient behavior on a group in September 2016, and mostly silent protest for about a minute in a conference session (November 2016) I just two things completely within the norms of the community.

709.　　🔊 👤 Jason ⏱ +11:00 [T23]

　　　　I agree... It's not about the merits.

710.　　🔊 👤 Josh ⏱ +11:00 [T23]

　　　　Harassing her over a period of time, No.

711.　　🔊 👤 Jason ⏱ +11:00 [T23]

　　　　Again, it's not about the merits. I agree... I agree... It's not about the merits.

712.　　🔊 👤 Josh ⏱ +11:00 [T23]

　　　　Yeah, it is about the merits

713.　　At any point, Action Network or any other OSDI member could have removed Plaintiff from his position, or the project by majority vote. However, that would not achieve their goal of separating the application ecosystem from the OSDI governance structure, and locking out PDI.

714.　　Rosenbaum then uses the unjust harm to attempt to coerce Plaintiff to resign.

715.　　🔊 👤 Jason ⏱ +17:06 [T23]

　　　　I would hope that at this point when you've seen what happened to the organization you clearly care about, you would put it first and take that step back.

716.　　🔊 👤 Jason ⏱ +41:51 [T23]

　　　　Going forward, you have a reputation in the community and you are unable to do the work of chairman...

717.   Copyright Infringement Action Network: Copyright Infringement 2319 as described above against Action Network and Action Builder products.

718.   Wire Fraud Action Network: In a blog post dated 2022-01-19, Action Network's Jeff Dugas states "We developed the ActBlue sync with our Development Partners at the DNC". The ActBlue sync was an OSDI based sync. Since then, ActBlue and Action Network have added proprietary extensions. This furthers the conspiracy by covering up the true origin, which was OSDI.

719.   In a blog post on 05/18/16 ActBlue refers to is as "Our new Action Network-OSDI integration"

720.   Wire Fraud Action Network: 02/23/22 Via web, Action Builder launches its API stating "We built the API in collaboration with the AFL-CIO and organizers on the ground." which is false. Action Builder's API specification is disguised OSDI and was largely built by Plaintiff.

721.   Wire Fraud Jason Rosenbaum/Action Network: During the conversation on the GitHub issue opened on 1/11/21, Rosenbaum states the project is "defunct" and states "here's been no updates in years, I don't think the committees still meet, etc...". Rosenbaum also directs user CiviCRM developer "hifalutin" away from OSDI towards Action Network's Partner Integration Program. Rosenbaum also suggests that platform CiviCRM focus on client implementation (to integrate with Action Network) instead of a platform implementation, which would allow CiviCRM to This furthers the conspiracy by concealing the fact that the current state of the project is due to racketeering activity and extortion by Action Network and its co-conspirators.

722.   Conspiracy to Commit Extortion Action Network, Woodhull, MoveOn, AFL-CIO

723.   See relevant count.

724.   The racketeering activity listed above constitutes a pattern of racketeering activity pursuant to 18 U.S.C. § 1961(5).

725.   As direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C. § 1962(a), Plaintiff has been injured in their business and property in that:

726.   Plaintiff's investment of labor, proficiency and retirement savings, made based on Defendants' agreements was for the purpose of an external network effect. Plaintiff built what was agreed to. Defendant's investment schemes bifurcated the standard serving as an external network effect and laundered it into proprietary walled gardens.

727.   As a result, it is Defendants' investing the proceeds of their racketeering into their enterprise, Action Squared, that damaged the value of Plaintiff's investment.

VI.C   Count 3 Copyright Infringement Action Squared

728.   Title 18 2319 against Action Network and Action Builder

729.   By Defendant's actions alleged above, products Action Builder and Action Network has infringed and will continue to infringe upon Plaintiff's contributions to the OSDI specification, registrations Txu 2-249-951 and TX0009315996.

730.   Defendant's infringement is willful, and have realized unjust profits, gains and

advantages as a proximate result of its infringement.

731.   Plaintiff, as well as other market participants suffer and will continue to suffer monetary loss, barriers to fair competition as a direct and proximate result of Defendants actions.

732.   Plaintiff seeks declarative judgement on copyright authorship. Specifically, Action Network and Action Builder may not refer to the work as their proprietary APIs.

733.   Plaintiff seeks injunctive relief, preventing Defendants from continuing their infringing use.

734.   Plaintiff seeks monetary damages for infringing use.

VI.D   Count 4 RICO 1962(a) Invest Proceeds into Enterprise Civitech

735.   In the alternative, RICO 1962(d) Conspiracy to commit 1962(a)

736.   Title 18, 1962(a), 3551 Conspiracy, 2319 Copyright Infringement, 1343 Wire Fraud, 1951 Extortion.

737.   This count is against Defendants Nathan Woodhull, Civitech, AFL-CIO, MoveOn, Netroots Nation.

738.   Civtech is an enterprise engaged in and whose activities affect interstate commerce.

739.   The culpable persons are Nathan Woodhull, Bluelink (now merged with Civitech by acquisition) AFL-CIO (Jeff Mann) and Action Network (Jason Rosenbaum and Brian Young), MoveOn (Skyler Duveen)

740.   This conspiracy depends on the same conspiracies to gain control and operate OSDI as the claim against Action Squared does. The conspiracy begins with Woodhull's interest in securing venture capital to fund a universal adapter in 2013.

741.   Conspiracy to commit Extortion or in the alternative Wire Fraud Nathan Woodhull: In an email thread beginning on 2/12/2018, via Email, Nathan Woodhull furthers the conspiracy to commit Robbery by Extortion by continuing the false portrayal of Plaintiff as a presumably heteronormative male who engaged in sexual harassment of women.

742.   Via email, Plaintiff asked Woodhull about Swirlng's omission of Plaintiff's sexual orientation. Woodhull response included "Of course she's not being fair" indicates that he knows it is deceptive and rationalized it due to the occurrence of Cohen v. Swirling. He also states "You've decided to escalate a conflict with a professional activist who is better at comms than you are." which equates deception and "comms".

743.   In the conversation below, Woodhull repeatedly implies that Plaintiff didn't attempt to negotiate or de-escalate the conflict. Plaintiff did so repeatedly. Defendants provoked the lawsuit because Plaintiff's skill at negotiation allowed him to find compromises to de-escalate the conflicts they were inciting in their efforts to undermine the OSDI project to achieve their goals.

744.   Wire Fraud Lightrail/Bluelink

745.   In Summer 2020, Acronym divested Lightrail and renamed it Bluelink. Gerard Niemera stepped down as CEO and replaced himself with a woman, Irene Tollinger.

746. On 08/12/21 Higher Ground Labs posted blog post by Acacia Gabriel interviewing Irene and Preston Tollinger. Irene is asked "Tell us more about why you started your company and its mission". Her answer includes "I did user research and talked to a broad range of people in the political world. They kept mentioning data integration. It was an issue for organizers who downloaded, munged, and uploaded text files.". Higher Ground Labs lists Bluelink's founders as Irene and Preston Tollinger.

747. This is wire fraud because Bluelink's synchronization product is really Lightrail, which was announced around the same time the conspiracy to operate OSDI ended.

748. On or before June 2022, Bluelink was acquired by Civitech, a Higher Ground Labs portfolio company.

749. Copyright Infringement Lightrail/Bluelink

750. Bluelink's copyright infringement became discoverable in 2021. See separate claim. In the alternative Bluelink's API is Wire Fraud because it uses OSDI Person Signup Helper but misrepresents it as Bluelink's API.

751. Wire Fraud Woodhull: In an interview on The Great Battlefield podcast on 10/18/2023, Woodhull discussed the business opportunity for DaisyChain to provide integration as a platform, which is enabled by the artificial inefficiency created by Woodhull and co-defendants' racketeering. But for the destruction of OSDI, this would not be viable, or would be less viable.

752. DaisyChain is funded by Higher Ground Labs, which gives it an equity stake, and a degree of control. Universal adapters, or integration as a platform instead of external network effect, have characteristics similar to digital platform markets. The library of proprietary connectors is similar to applications in an App Store market. New integration platforms will start from zero building a library of connectors to platforms and will need to attract application vendors to build connectors to the integration platform's API.

753. The artificial inefficiency is only viable with the destruction of OSDI and its external network effect. Conversely, without OSDI, new competitors cannot compete at the level of the market. As a result, these actions have destroyed the value of Plaintiff's investment and constitute a RICO injury under 1962(a).

754. Conspiracy to Commit Extortion Action Network, Woodhull, MoveOn, AFL-CIO

755. See relevant count.

VI.E   Count 5 Copyright Infringement Civitech

756. Title 18 2319 against Defendant Civitech, which acquired Bluelink.

757. By Defendant's actions alleged above, products Bluelink has infringed and will continue to infringe upon Plaintiff's contributions to the OSDI specification, registrations Txu 2-249-951 and TX0009315996.

758. Defendant's infringement is willful, and have realized unjust profits, gains and advantages as a proximate result of its infringement.

759. Plaintiff, as well as other market participants suffer and will continue to suffer monetary loss, barriers to fair competition as a direct and proximate result of Defendants actions.

760.   Plaintiff seeks declarative judgement on copyright authorship. Specifically, Bluelink may not refer to the work as their proprietary API.

761.   Plaintiff seeks injunctive relief, preventing Defendants from continuing their infringing use.

762.   Plaintiff seeks monetary damages for infringing use.

VI.F   Count 6 Conspiracy to Commit Extortion

763.   Defendants Action Network, Nathan Woodhull, MoveOn, AFL-CIO

764.   Defendants violated 18 USC 1951 (Extortion) and 18 USC 3551 (Conspiracy)

765.   Defendants communicated their initial threat on 9/16/2016.

766.   on 8/10/2017, Plaintiff received Facebook RSVP notifications for the upcoming OSDI session from Swirling and McGonnigal. Plaintiff didn't want another attack similar to what occurred at Rootscamp 2016.

767.   On 8/11/2017 at 9:30am, Plaintiff met with Netroots Nation Staff Eric Thut and Mary Rickles, who refused Plaintiff's request stating "It's a little difficult to ask people to stay away from each other. You know, that's not the business we want to get into. As the official people in some ways we're taking a side of something, that we were not part of. What if I sat in on the caucus and just make sure it went well."

768.   After the OSDI on 8/11/2017 session, while alone with Plaintiff, Eric Thut instructed Plaintiff was prohibited from attending 3 sessions specified only by time and location, and if Plaintiff disobeyed this, his credentials would be revoked.

769.   On 2/13/2018, Action Network changed its representation from Rosenbaum to Martha Grant, a woman.

770.   On 2/19/2018, Woodhull sent email to OSDI resigning, stating "I would like to resign my Governance role as part of OSDI and all other official participation by myself and ControlShift."

771.   On 2/20/2018 at 9:30am, Martha Grant communicated Action Network's resignation, stating ""Action Network will no longer be participating in OSDI..."

772.   The next email on the thread, at 12:24pm, came from Jeff Mann/AFL-CIO stating "Please remove AFL-CIO as well." This was followed by Beth Becker at 12:28pm stating "Me as well please."

773.   Around 12:35 or after, Plaintiff sat down to lunch with Skyler Duveen/MoveOn.org who attempted to convince Plaintiff to resign and make a blanket confession to the allegations in the tweetstorm. The timing of this relative to the resignations and the damage being done by the abuse of litigation privilege combined to have the effect of coercion.

774.   Plaintiff refused to make a false confession or resign, however, he did recuse himself, which is permitted by Roberts Rules of Order, which the project followed.

775.   On 2/28/2018, Plaintiff met with Sonya Reynolds via telephone, stating that Brian Young had offered to recruit Woodhull/ControlShift back into OSDI.

776.   On 4/27/2018, after the Order of Discontinuance for Cohen v. Swirling, Plaintiff attended a meeting requested by Brian Young with the topic "Call to discuss VAN". When Plaintiff dialed in, Young attempted to coerce Plaintiff to resign. Plaintiff insisted that Action Network honor the commitments it made when it joined the project and induced Plaintiff's labor.

777.   On 5/30/2018, Plaintiff met with Rosenbaum via telephone, where Rosenbaum attempted to coerce Plaintiff into resigning, acknowledging the conspiracy including MoveOn and the DNC.

778.   On December 12, 2019, Plaintiff attempted to comment on an issue in the Spoke repository, but found that MoveOn had blocked him from the repository. A the following NYC Hack Night, Plaintiff asked Skyler Duveen why this was the case. Skyler indicated that Plaintiff had violated the code of conduct prohibiting the use of litigation.

779.   Netroots Nation aided the conspiracy by excluding Plaintiff from sessions and at Netroots Nation 2017, excluding him from the entire conference in 2018, 2019 and 2020.

VI.G   Count 7 Violation of Section I of the Sherman Act, 15 U.S.C.

780.   Against Defendants Action Network, AFL-CIO, Civitech, Nathan Woodhull, MoveOn.org, Democratic National Committee, Netroots Nation aka Antitrust Defendants.

781.   The preceding section Violations / Unfair Competition is incorporated here by reference.

782.   Antitrust Defendants, by and through its officers, directors, employees or other representatives, entered into an unlawful agreement with their co-conspirators in restraint of trade and commerce in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

783.   Antitrust Defendants engaged in racketeering conspiracies to gain control of, operate, and destroy a OSDI, a technology which served as an external network effect, then invest the essential intellectual property including copyright authorship and OSDI's application ecosystem into their own enterprises.

784.   Antitrust Defendants unreasonably restrained trade in the following ways:

- Gave themselves an unfair competitive advantage and created barriers to entry for competitors, increased customer switching costs and reseller support costs, and reduced customer choice by misappropriating OSDI's essential IP and application ecosystem, and laundered it into proprietary application ecosystems in a manner similar to App Stores.

- Increased customer switching costs.

- Increased application developer costs.

- Created an artificial inefficiency in the market which favors large, well-resourced players who can afford duplicative work.

- Leveraged the artificial inefficiency to launder an external network effect into proprietary internal network effects to create a market for "universal adapters". An analogy would if De-

fendants coerced the laptop or smartphone market away from USB-C and back to proprietary connectors.

- Since the relevant markets constitute essential resources for candidates running for election, Defendants and their co-conspirators have gained gatekeeper powers over those resources including products and the data pipes that data flows through, allowing them to discriminate to deprive or degrade those for disfavored candidates.

785.   Antitrust Defendants conspiracies affect interstate commerce.

786.   Antitrust Defendants' conduct is a per se violation that restrains trade and harms competition through an unlawful agreement in violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

787.   In the alternative, Defendants Agreement as described above caused significant anticompetitive effects that outweigh any pro-competitive benefits that could not be achieved through less anticompetitive means, if any such benefits exist at all. For that reason, the agreement is a violation of Section 1 of the Sherman Act, 15 U.S.C. § 1.

VII DAMAGES

VII.A   Fraudulently Induced Labor

788.   The Campaign was fraudulently inducing Plaintiff's labor from the start.

789.   Plaintiff's decision to lead the OSDI project and do the work was based on building an external network effect. In August 2013, the existing members of OSDI voted to adopt a governance process that would yield an external network effect.

790.   When Action Network joined OSDI in November of 2013, and other Defendants subsequently joined, they agreed to terms that would yield an external network effect, or otherwise fraudulently induced Plaintiff's labor. But for those agreements, Plaintiff would not have performed the work., which he did by liquidating assets in his retirement savings.

791.   Since the OSDI project work varied between part-time and near full-time, full time employment was not possible. As a result, Plaintiff began building a sole-proprietorship, building tools he could sell to customers. His ability to do this as a sole-proprietor depended on the existence of a standard API serving as an external network effect.

792.   As Based on the agreements made, Plaintiff funded his time and labor for both the OSDI project and the sole-proprietorship by liquidating assets in his retirement savings.

793.   Plaintiff's invested a similar amount in his sole-proprietorship. The viability of the product he built depended on the external network effect which has been destroyed. The market value of Plaintiff's investment to build the external network effect is at least $325,000 dollars.

794.   Plaintiff's losses can also be calculated by the value of the assets he liquidated from his retirement savings to fund the work in both OSDI and the sole-proprietorship. These amount to roughly $700k.

VII.B   Plaintiff's Property Injury

795.   The damage to Plaintiff's investment results from Defendant's destruction of OSDI's external network effect and laundering it into proprietary internal network effects.

VII.C   Plaintiff's Antitrust Injury

796.   Plaintiff's antitrust injury stems from the destruction of the external network effect. However, the injuries are not unique to Plaintiff. As described in Violations / Unfair Competition section of this complaint, Defendants' conduct harms competition in general.

797.   Defendants' could not have achieved the outcomes and benefits without the destruction of Plaintiff's investment and property.

VII.D   Other Injuries

798.   Plaintiff suffered an unknown and undiscovered level of damage to his economic viability from the false-flag Cohen v. Swirling, false portrayals of Plaintiff as unstable or violent, false claims of a restraining order, false portrayals as guilty of harassment, and undiscovered distortions the Campaign told the community to conceal their actions and justify their aggression.

799.   Plaintiff spent approximately $3000 out of pocket expenses for therapy during Defendants' racketeering and extortion.

VIII PRAYER FOR RELIEF

800.   Plaintiff seeks damages of at least $650,000.

801.   Plaintiff seeks treble damages.

802.   Plaintiff seeks Rescission of the fraudulently induced copyright license.

803.   Plaintiff seeks injunctive relief to prevent further infringement by Bluelink, Action Network and Action Builder.

804.   Plaintiff seeks the court's help to restore the external network effect and its competitive benefits.

805.   Respectfully Submitted, /s/Josh R. Cohen

IX REFERENCES

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